FEDERAL REGISTER

VOLUME 13 NUMBER 213

Washington, Saturday, October 30, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 96—AGRICULTURAL LOANS AND ADVANCES BY REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C., FOR MAXIMUM WAR PRODUCTION

REVOCATION OF PART

Part 96 of Title 6, Code of Federal Regulations, is hereby revoked.

(Sec. 201 (e), 47 Stat. 713; 12 U. S. C. 1148)

[SEAL] J. W. DUGGAN, *Governor.*

OCTOBER 21, 1948.

[F. R. Doc. 48-9561; Filed, Oct. 29, 1948; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tangerine Reg. 75]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.406 *Tangerine Regulation 75*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) Tangerine Regulation 74 (13 F. R. 6076) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., October 30, 1948, and ending at 12:01 a. m., e. s. t., November 15, 1948, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States Standards for Tangerines (13 F. R. 4790)), or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches)

(3) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of October 1948.

[SEAL] S. R. SMITH, *Director Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 48-9595; Filed, Oct. 29, 1948; 8:53 a. m.]

[Orange Reg. 152]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.405 *Orange Regulation 152*—(a) *Findings.* (1) Pursuant to the market-

(Continued on p. 6369)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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CODIFICATION GUIDE—Con.

ing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) Orange Regulation 151 (13 F. R. 6077) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., October 30, 1948, and ending at 12:01 a. m., e. s. t., November 22, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(3) As used in this section, the terms "handler," "ship," "Regulation Area I," and "Regulation Area II" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," U. S. No. 3," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of October 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9536; Filed, Oct. 29, 1948; 8:53 a. m.]

[Grapefruit Reg. 103]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.404 *Grapefruit Regulation 103*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 1, 1948, and ending at 12:01 a. m., e. s. t., November 22, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F R. 4787) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of October 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9620; Filed, Oct. 29, 1948; 9:48 a. m.]

[Lemon Reg. 298]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.405 *Lemon Regulation 298*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq., 13 F. R. 766) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 31, 1948 and ending at 12:01 a. m., P. s. t., November 7, 1948 is hereby fixed as follows:

(i) District 1. 235 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 297 (13 F R. 6233) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of October 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9621; Filed, Oct. 29, 1948; 9:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER INSTALMENT CREDIT

AIR CONDITIONERS

The following interpretation under this Part relating to Consumer Instalment Credit has been issued by the Board of Governors of the Federal Reserve System:

§ 222.105 *Air conditioners.* The classification "Air conditioners, room unit" contained in Group B of Part 1 of § 222.9 does not include portable units in excess of one horsepower (one ton of refrigeration) rated capacity, nor does it include evaporative air coolers which do not incorporate a refrigerating unit.

(Sec. 5 (b) 40 Stat. 415, as amended, secs. 301, 302, 55 Stat. 839, 840; Pub. Law 905, 80th Cong., 12 U. S. C. and Sup. 95 (a) 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941, 6 F R. 4035)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-9548; Filed, Oct. 29, 1948; 8:46 a. m.]

PART 222—CONSUMER INSTALMENT CREDIT

MEDICAL EXPENSES

The following interpretation under this Part relating to Consumer Instalment Credit has been issued by the Board of Governors of the Federal Reserve System:

§ 222.106 *Medical expenses.* Loans to finance the purchase of artificial limbs, hearing aids, contact lenses, other such corrective appliances, and wheel chairs can qualify for exemption under § 222.7 (h) if the statement required by that section clearly indicates the article to be purchased in addition to the other information required by that section to be incorporated in the statement. (Sec. 5 (b) 40 Stat. 415, as amended, secs. 301, 302, 55 Stat. 839, 840; Pub. Law 905, 80th Cong., 12 U. S. C. and Sup. 95 (a) 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941, 6 F. R. 4035)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-9547; Filed, Oct. 29, 1948; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5519]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RETONGA MEDICINE CO.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product or service:* § 3.6 (t) *Advertising falsely or misleadingly—qualities or properties of product or service.* In connection with the offering for sale, sale or distribution of the medicinal preparation "Retonga" or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, dis-

seminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that said preparation is compounded entirely from the extracts of roots, herbs and barks, combined with Vitamin B_1, (b) that said preparation contains liberal quantities of Vitamin B_1, or that it is a Vitamin B_1 medicine; (c) that the use of said preparation will be effective in relieving or substantially improving a Vitamin B_1 deficiency or any of the symptoms or conditions which may arise from a Vitamin B_1 deficiency; (d) that said preparation is not a laxative; (e) that said preparation is a cure or remedy for constipation or any of the symptoms of constipation, or that it has any therapeutic value in the treatment of constipation or any of the symptoms thereof in excess of the temporary relief afforded by its laxative action; (f) that said preparation constitutes a competent or effective treatment for heartburn, indigestion, stomach gas, nervousness, muscular pains, a run-down condition, weakness or a toxic feeling, or that it will have any therapeutic effect on the causes of loss of weight, loss of sleep, sour stomach, or any of the conditions which may prevent an individual from working; or, (g) that said preparation will increase the appetite of an individual to such an extent as to aid him in gaining weight or strength; prohibited: (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Retonga Medicine Company, Docket 5519, October 6, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 6th day of October A. D. 1948.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer the respondent admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts; and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Retonga Medicine Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the medicinal preparation "Retonga" or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That said preparation is compounded entirely from the extracts of roots, herbs and barks, combined with Vitamin B_1;

(b) That said preparation contain liberal quantities of Vitamin B_1, or that it is a Vitamin B_1 medicine;

(c) That the use of said preparation will be effective in relieving or substantially improving a Vitamin B_1 deficiency or any of the symptoms or conditions which may arise from a Vitamin B_1 deficiency;

(d) That said preparation is not a laxative;

(e) That said preparation is a cure or remedy for constipation or any of the symptoms of constipation, or that it has any therapeutic value in the treatment of constipation or any of the symptoms thereof in excess of the temporary relief afforded by its laxative action;

(f) That said preparation constitutes a competent or effective treatment for heartburn, indigestion, stomach gas, nervousness, muscular pains, a run-down condition, weakness or a toxic feeling, or that it will have any therapeutic effect on the causes of loss of weight, loss of sleep, sour stomach, or any of the conditions which may prevent an individual from working;

(g) That said preparation will increase the appetite of an individual to such an extent as to aid him in gaining weight or strength.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-9569; Filed, Oct. 29, 1948; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 144; Docket No. R-107]

MISCELLANEOUS AMENDMENTS

OCTOBER 28, 1948.

In the matter of the amendment of regulations and approved forms under the Natural Gas Act, to prescribe revised rules governing the form, composition, filings and posting of rate schedules and tariffs for transportation or sale of natural gas subject to the jurisdiction of the Commission.

This proceeding was initiated by the Commission under sections 4 and 10 of the Natural Gas Act to amend its regulations governing the form, composition and filing of schedules of rates and charges for the transportation and sale for resale of natural gas in interstate commerce so as to achieve uniformity and simplicity. A brief review of the situation will show the desirability of the amendments.

Before the Natural Gas Act became law, natural-gas companies had no rate schedules generally applicable to stated classifications of service. It was the prevailing practice to sell natural gas under individual contracts frequently arrived at after extensive negotiations between the parties. As a result the contracts varied greatly in form as well as content. This situation still existed when the Commission, on July 5, 1938, promulgated its "Provisional Regulations Under the Natural Gas Act" which, among other things, prescribed rules for filing of rate schedules.

To expedite the establishment of legal rates, the Commission, in its Provisional Regulations, permitted natural-gas companies to file their contracts as rate schedules in compliance with section 4 of the act. The supplementation of filed contracts by additional agreements and the filing of new contracts in time multiplied the complexity of already complicated rate schedules.

Early in its administration of the Natural Gas Act the Commission recognized the difficulties inherent in the existing system. Accordingly, in August 1940, the Commission distributed a draft of "Tentative Instructions for Preparing and Filing FPC Gas Schedules" to all natural-gas companies and invited their comments, criticisms and suggestions. The purpose of the instructions, as in the instant proceeding, was to assure uniformity and simplification of rate schedules. However, before the instructions could be worked into final form, the defense mobilization program which preceded World War II resulted in a situation where manpower was unavailable for this work. The Commission, therefore, postponed undertaking the necessary work incident to simplification of rate schedules.

During the period when action on these rules was held in abeyance, however, a number of natural-gas companies, voluntarily and in cooperation with the Commission's staff, revised their complicated rate schedules by filing new tariffs similar to those which are provided for in the amended regulations herein ordered. The sales of natural gas under such tariffs now represent about 50% of the total volume of sales of all natural-gas companies reporting to the Commission and account for well over 50% of the total revenue derived from sales subject to the jurisdiction of the Commission.

Prior to converting their sales contracts to tariff form, these natural-gas companies had on file with the Commission 393 separate schedules consisting of almost 7,000 pages. The substituted tariffs comprise only 388 pages. This illustrates the simplification which can be achieved. The Commission has recognized that these changes are beneficial not only to consumers, but to the natural gas industry as well.

The Commission in April of this year again proposed amendments of its regulations relating to rate schedules with a view to extending simplification through the entire industry. A copy of the proposed amendments to the regulations was mailed to each natural-gas company, and they were published in the FEDERAL REGISTER on April 16, 1948 (13 F R. 2045–2050) The comments and suggestions of every natural-gas company were invited. A number of companies submitted their views, which have been carefully considered by the Commission.

Many industry suggestions were constructive and were incorporated in a further revision which likewise was submitted to all natural-gas companies. General public notice of the proposed amendments as thus revised was also given by mailing a copy thereof to each natural-gas company, and by publication in the FEDERAL REGISTER on September 8, 1948 (13 F. R. 5214) On September 20, 1948, the Commission heard oral argument by representatives of those companies which had expressed a desire to be heard with respect to certain legal issues asserted to be involved in the proposed amendments.

The principal attack on the proposed rules was directed at provisions relating to restatement in cents and dollars and cents of contract rates which provide for "sharing" or "percentage" arrangements, and those thought to affect automatic "adjustment" clauses of presently filed contracts. Industry representatives contended that the proposed rules would affect substantive rights of natural-gas companies which could not be modified in a general rule making proceeding.

In order to expedite these revised regulations, the Commission, without passing upon the validity of the industry contentions, has made additional modifications which are believed to meet the objections to the extent that they have substance. Of particular moment are the modifications of §§ 154.38 (d) and 154.82.

As revised, the regulations permit natural-gas companies to retain in effect, without change, price provisions of presently effective rate schedules which cannot be restated in cents or dollars and cents without effecting a change in rates or charges.

Further modification permits the inclusion in filed service agreements and certain rate schedules of statements of policy by natural-gas companies concerning changes in rates through the application of "adjustment" provisions. However, no provision of this type, whether now on file or which may be filed in the future, may operate, of itself, to change an effective rate or charge. Such changes must be accomplished by the filing of new rate schedules in the manner provided in section 4 of the Natural Gas Act, as amended, and these regulations.

Section 154.85 has been reworded so as to clarify the Commission's intention to permit contracts now on file as effective rate schedules to continue in effect as executed service agreements until they expire or are superseded.

All interested parties have been given a full opportunity to express themselves with respect to the proposed amendments both in writing and orally, except as to the changes made as a result of the oral argument.

In view of the foregoing, we are of the opinion that further proceedings in this matter are unnecessary. Accordingly, the Commission considers it appropriate and in the public interest to promulgate immediately these amendments to the regulations. Upon consideration of the entire record in this proceeding, the Commission further finds that:

(1) Adoption and promulgation of the proposed amendments, as modified, are necessary and appropriate for the purposes of administration of the Natural Gas Act.

(2) It is appropriate that such proposed amendments be made effective as of December 1, 1948.

The Commission, therefore, acting pursuant to authority granted by the Natural Gas Act, particularly sections 4 and 16 thereof (52 Stat. 822, 830; 15 U. S. C. 717c, 717o) orders that:

(A) Its general rules and regulations be and the same are hereby amended to the extent of adding certain new sections and amending certain existing sections of Part 153, Part 154 and Part 155 of Subchapter E, and Part 250 of Subchapter G, of Chapter I, Title 18, of the Code of Federal Regulations, so that such sections read as provided in the accompanying and attached statement, which is made a part hereof by reference.

(B) The new and amended regulations and forms herein prescribed be and they are hereby made effective as of December 1, 1948.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Date of issuance: October 30, 1948.

By the Commission.

LEON M. FUQUAY,
Secretary.

Subchapter E—Regulations Under the Natural Gas Act

PART 153—APPLICATION FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

Section 153.8 is amended to read as follows:

§ 153.8 *Filing of contracts, rate schedules, etc.* Persons authorized to export natural gas from the United States to a foreign country or to import natural gas from a foreign country shall file two full and complete copies of every contract and the amendments thereto, presently or hereafter effective, for such export or import, together with all rate schedules, agreements, leases or other writings, tariffs, classifications, rules and regulations relative to such export or import in the manner specified in Part 154, except that the requirements of § 154.31 through § 154.41 shall not be applicable. (52 Stat. 822, 830; 15 U. S. C. 717c, o).

PART 154—RATE SCHEDULES AND TARIFFS

Part 154 is revised to read as follows:

APPLICATION

AUTHORITY: §§ 154.1 to 154.86 issued under 52 Stat. 822, 830; 15 U. S. C. 717c, o.

APPLICATION

§ 154.1 *Application; obligation to file.* On and after December 1, 1948 every natural-gas company shall file with the Commission and post in conformity with the requirements of this part, schedules showing all rates, and charges for any transportation or sale of natural gas subject to the jurisdiction of the Commission and the classifications, practices, rules and regulations affecting such rates, charges and services, together with all contracts in any manner affecting or relating thereto: *Provided, however,* That all such presently effective schedules filed with the Commission before the aforesaid date shall be restated as set forth in § 154.82 to conform with the following rules and regulations, and filed and posted on or before the dates specified in § 154.83.

DEFINITIONS

§ 154.11 *Rate schedule.* The term "rate schedule" means a statement of a rate or charge for a particular classification of transportation or sale of natural gas subject to the jurisdiction of

the Commission, and all terms, conditions, classifications, practices, rules and regulations affecting such rate or charge. This term also includes any contract for which special permission has been obtained in accordance with § 154.52.

§ 154.12 *Contract.* The term "contract" means any agreement which in any manner affects or relates to rates, charges, classifications, practices, rules, regulations or services for any transportation or sale of natural gas subject to the jurisdiction of the Commission. This term includes an executed service agreement.

§ 154.13 *Service agreement.* The term "service agreement" means an unexecuted form of agreement for service under a natural-gas company's tariff.

§ 154.14 *Tariff or FPC gas tariff.* The term "tariff" or "FPC gas tariff" means a compilation, in book form, of all of the effective rate schedules of a particular natural-gas company, and a copy of each form of service agreement.

§ 154.15 *Filing date.* The term "filing date" means the day on which a tariff or part thereof or a contract is received in the office of the Secretary of the Commission for filing in compliance with the requirements of this part.

§ 154.16 *Posting.* The term "posting" means (a) making a copy of a natural-gas company's tariff and contracts available during regular business hours for public inspection in a convenient form and place at the natural-gas company's offices where business is conducted with affected customers and (b) mailing to each customer affected a copy of such tariff or part thereof at the time it is sent to the Commission for filing.

IN GENERAL

§ 154.21 *Effective tariff.* The effective tariff of a natural-gas company shall be the tariff filed pursuant to the requirements of this part, and permitted by the Commission to become effective. No natural-gas company shall directly or indirectly, demand, charge or collect any rate or charge for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, or impose any classifications, practices, rules or regulations, different from those prescribed in its effective tariff and executed service agreements on file with the Commission, unless otherwise specifically provided by order of the Commission.

§ 154.22 *Notice requirements.* All tariffs, and contracts or any parts thereof shall be filed with the Commission and posted not less than thirty days nor more than sixty days prior to the proposed effective date thereof, unless a different period of time is permitted by the Commission in accordance with § 154.51. *Provided, however* That no natural-gas company shall file under this part any new rate schedule or contract for the performance of any service for which a certificate of public convenience and necessity must be obtained pursuant to section 7 (c) of the Natural Gas Act, until such certificate has been issued. Nothing herein shall be construed as preventing the natural-gas company from entering into any such agreement prior to the granting of such a certificate.

§ 154.23 *Acceptance for filing not approval.* The acceptance for filing of any tariff, contract or part thereof is not to be considered as approval by the Commission.

§ 154.24 *Rejection of material submitted for filing.* The Commission reserves the right to reject any material submitted for filing which fails to comply with the requirements set forth in this part.

§ 154.25 *Informal submission for staff suggestions.* Any natural-gas company may informally submit a tariff or any part thereof or material relating thereto for the suggestions of the staff of the Commission prior to filing.

§ 154.26 *Number of copies to be supplied.* Two copies of any tariff, contract, or part thereof, and material relating thereto, Certificates of Adoption, and Notices of Cancellation or Termination submitted for filing must be supplied to the Commission: *Provided, however,* That restatements filed pursuant to §§ 154.81 through 154.86 shall be furnished in quintuplicate. All copies are to be included in one package, together with a letter of transmittal and other material and information required by these rules, and addressed to the Federal Power Commission, Washington 25, D. C. The Commission reserves the right to request additional copies.

§ 154.27 *Comments by interested parties.* Comments of any purchaser or other interested party concerning any filing made pursuant to this part should be submitted within 15 days after the date of filing. This section shall not limit any right to file protests and complaints.

FORM AND COMPOSITION OF TARIFF

§ 154.31 *Application.* Sections 154.32 through 154.41 after December 1, 1948 are applicable to all rate schedules thereafter filed or restated, except that such sections are only partially applicable, to rate schedules filed under § 154.52. (A form of an assembled tariff is available upon request.)

§ 154.32 *Form, type, and size.* The tariff shall be printed, typewritten or otherwise reproduced on 8½ by 11 inch sheets of a durable paper so as to result in a clear and permanent record. The sheets of the tariff shall be ruled to set off borders of 1¼ inches on top, bottom and left sides and ½ inch on the right side, punched on the left side and assembled in a binder.

§ 154.33 *Binder, title page and arrangements.* The binder shall show on the front cover:

FPC Gas Tariff
Original Volume No. 1
of
(Name of Natural-Gas Company)
Filed with
Federal Power Commission

If it is advisable to submit the tariff in two or more volumes, the volumes shall be identified by "Original Volume No. 1" "Original Volume No. 2", etc., directly below the words "FPC Gas Tariff." Rate schedules for which special exception has been obtained under § 154.52 may be filed in a separate volume as part of the tariff.

When any volume of a tariff is to be superseded or replaced in its entirety, the replacing volume shall show prominently on the binder and the title page the volume number being superseded or replaced, as for example:

FPC Gas Tariff
First Revised Volume No. 1
(Supersedes Original Volume No. 1)

The first page shall be a title page which shall carry the information shown on the cover and, in addition, the name, title, and address of the person to whom communications concerning the tariff should be sent.

All sheets except the title page shall have the following information placed in the margins:

(a) *Identification.* At the left above the top marginal ruling, the exact name of the company shall be shown, under which shall be set forth the words "FPC Gas Tariff," together with volume identification where applicable.

(b) *Numbering of sheets.* At the right above the top marginal ruling, the sheet number shall appear after the words "Original Sheet No. _____." All sheets in the originally filed tariff shall be numbered consecutively beginning with the table of contents as "Original Sheet No. 1"

Revised or superseding sheets shall be numbered "_____ Revised Sheet No. _____" below which shall appear "Superseding _____ Sheet No. _____." The first blank above shall show the number of the revision (i. e., First, Second, etc.) and the sheet number shall be the same as the sheet replaced. The third and fourth blanks shall be filled according to the numbering of the sheet replaced.

Sheets which are to be inserted between two consecutively numbered sheets shall be designated "Original Sheet No. _____," with the blank space filled with the appropriate number and a letter to indicate an insertion. Illustration: Three sheets which would come between original sheets 8 and 9 would be designated "Original Sheet No. 8A," "Original Sheet No. 8B," and "Original Sheet No. 8C."

(c) *Issuing officer and issued date.* On the left below the lower marginal ruling, shall be placed "Issued by:" followed by the name and title of the person authorized to issue the sheet. Immediately below shall be placed "Issued on" followed by the date of issue.

(d) *Effective date.* On the right below the lower marginal ruling shall be placed "Effective:" followed by the specific effective date desired by the company.

(e) *Sheets filed to comply with Commission orders.* Sheets which are filed to make effective rate schedules or provisions ordered by the Commission shall carry the following notation in the bottom margin: "Issued to comply with order of the Federal Power Commission, Docket No. ____, dated _____."

§ 154.34 *Composition of tariff.* The tariff shall contain, in the order named, sections setting forth a table of contents, a preliminary statement, a map of the system, the rate schedules, general terms and conditions, form of service agreement and an index of purchasers: *Provided, however,* That rate schedules for which special exception has been obtained under § 154.52 may be filed in a separate volume as permitted by § 154.33.

Rate schedules shall be grouped according to class and numbered serially within each group, using a letter before the serial number to indicate the class of service. For example, G–1, G–2 may be used for general service; CD–1, CD–2 for contract demand service; I–1, I–2 for interruptible service; T–1, T–2 for transmission service; X–1, X–2 for schedules for which special exception has been obtained.

§ 154.35 *Table of contents.* The table of contents shall contain a list of the rate schedules and other sections in the order in which they appear, showing the sheet number of the first page of each section. The list of rate schedules shall consist of (a) the symbol designation of each rate schedule, (b) a very brief description of the service, and (c) the sheet number of the first page of each rate schedule.

§ 154.36 *Preliminary statement.* The preliminary statement shall contain a brief general description of the company's operations and may also contain a general explanation of its policies and practices. No general rules and regulations shall be included in the preliminary statement, nor any material necessary for the interpretation or application of the rate schedules.

§ 154.37 *Map.* The map shall show on a single sheet, if practicable, the general geographic location of the company's principal pipe line facilities and of the points at which service is rendered under the Tariff. Where the company's rate schedules are generally available by area, the boundary lines of the rate zones or rate areas should be shown and the areas or zones identified. The map shall be revised annually to reflect major changes if any.

§ 154.38 *Composition of rate schedule.* The sheets of a rate schedule shall contain a statement of a rate or charge and all terms and conditions governing its application, arranged as follows:

(a) *Title.* Each rate schedule shall have a title consisting of a designation (see § 154.34) and a statement of the type or classification of service to which it is applicable.

(b) *Availability.* This paragraph shall describe the conditions under which the rate is available, and, if necessary, the geographic zone in which available.

(c) *Applicability and character of service.* This paragraph shall fully describe the kind or classification of service to be rendered.

(d) *Statement of rate.* Except as permitted in §§ 154.52 and 154.82, all rates shall be clearly stated in cents or in dollars and cents per unit. Only the rates and charges to be used in current billing shall be included in the rate schedules.

A rate having more than one part shall have each part set out separately under appropriate headings such as: Demand Charge, Commodity Charge, etc. The minimum bill and other provisions affecting charges shall not be included in this paragraph, but shall be included in subsequent paragraphs.

No rule, regulation, exception or condition such as tax, commodity price index, wholesale price index, purchased gas cost adjustment clauses or other similar price adjustments or periodic changes shall be included in the rate schedule or any other part of the tariff which in any way purports to effect the modification or change of any rate or charge specified in the rate schedule, or the substitution therefor of any other rate or charge: *Provided, however* a natural-gas company may state in the service agreement or in rate schedules filed pursuant to § 154.52 that it is or will be its privilege, under certain specified conditions, to propose to the Commission a modification, change or substitution of the then effective rate or charge: *Provided further* That no such clause may effectuate a change in an effective rate or charge except in the manner provided in section 4 of the Natural Gas Act, as amended, and the regulations in this part.

(e) *Minimum bill.* The minimum bill heading shall appear on every rate schedule followed by the word "none" if no minimum bill is provided.

(f) *Other provisions.* All other major provisions governing the application of the rate schedule, such as determination of billing demand, contract demand, heat content, measurement base, shall be set forth similarly with appropriate headings, or if appropriate, they may be incorporated by reference to the applicable general terms and conditions.

(g) *Applicable general terms and conditions.* This paragraph shall list by reference the general terms and conditions set forth in the following section which apply to the particular rate schedule.

§ 154.39 *General terms and conditions.* This section shall contain provisions which apply to all or any of the rate schedules and which may more conveniently be arranged in a separate section of the tariff. Subsections and paragraphs shall be numbered for convenient reference.

§ 154.40 *Composition of service agreement.* There shall be submitted as part of the tariff an unexecuted copy of each form of service agreement. The service agreement forms should provide for insertion of such items as the name of the purchaser, service to be rendered, area to be served, maximum obligation to deliver, delivery points, delivery pressure, applicable rate schedules by reference to the tariff, effective date and term, and identification of any prior agreements being superseded.

§ 154.41 *Index of purchasers.* The index of purchasers shall contain an alphabetical list of all purchasers under the tariff, showing for each the rate schedule or schedules under which service is rendered, and the following information concerning the contract: (a) the date of execution, (b) the effective date and (c) the term.

The index of purchasers shall be kept current by filing new or revised sheets within 60 days of any change.

SPECIAL PERMISSIONS

§ 154.51 *Waiver of notice requirements.* Upon application and for good cause shown, the Commission may by order provide that a tariff, contract, or part thereof shall be effective on less than 30 days notice. The Commission, upon request and for good cause shown, may permit a tariff, contract, or part thereof to be filed prior to sixty days before the proposed effective date.

§ 154.52 *Exception to form and composition of tariff.* Upon application and for good cause shown, the Commission may permit special rate schedules to be filed in the form of an agreement in the case of special operating arrangements such as for exchange or transportation of natural gas; or for the sale of gas at charges computed on a cost-formula basis, which charges need not be stated in cents or in dollars and cents per unit. Such rate schedules shall conform to the form, type and size specified in § 154.32 and shall contain on each sheet the marginal notations specified in § 154.33. In addition each such rate schedule shall contain a title page which shall show its designation, the parties to the agreement, the date of agreement and a brief generalized description of services to be rendered. Such rate schedules shall not contain any supplements. Any modifications shall be by revised or insert sheets.

Such rate schedules may be included in a separate volume of the tariff, which shall contain a table of its contents. This table of contents shall also be incorporated with the table of contents of other volumes.

METHOD OF SUBMISSION FOR FILING

§ 154.61 *Application.* Sections 154.62 through 154.65, except as hereinafter otherwise specifically provided, apply to all tariffs, executed service agreements, or parts thereof which are filed after December 1, 1948.

§ 154.62 *Material submitted with initial rate schedule or executed service agreement.* With the filing of any initial rate schedule or executed service agreement not superseding or making any change in a rate schedule, executed service agreement, or part thereof already on file, there shall be included a letter of transmittal containing a list of the material inclosed, the date on which such filing is proposed to become effective, and a list of the purchasers to whom it has been mailed: *Provided, however,* That the provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86.

In addition, the following material shall be submitted where applicable:

(a) *Statement of the reasons for initial rate schedule.* A statement of the nature, and the reason for such proposed initial rate schedule. Data submitted in response to subsequent items may be included by reference as a part of the response to this item.

(b) *Estimate of sales and revenues under an initial rate schedule or ex-*

ecuted service agreement. An estimate of sales or transportation performed and revenues thereunder, by months, for the 12 months immediately succeeding the proposed effective date. The estimate shall be subdivided by rate schedules, classes of service, customers and delivery points, when more than one is involved. Such data shall include estimates of actual and billing quantities, that are to be used to compute the charges, such as actual demands, billing demands, volumes, heat content, and other determinants.

(c) *Basis of the rate or charge proposed in initial rate schedule.* A statement shall be submitted explaining the basis used in arriving at the proposed rate or charge. Such statement shall clearly show whether such rate or charge results from negotiation, cost of service determination, competitive factors, or others, and shall give the nature of any studies which have been made in connection therewith. If all or any portion of such information has already been submitted to the Commission, specific reference thereto should be made.

§ 154.63 *Material submitted with changes in a tariff, executed service agreement or part thereof.* With the filing of any tariff, executed service agreement or part thereof which changes or supersedes any tariff, contract or part thereof on file with the Commission, there shall be included a letter of transmittal containing a list of the material enclosed, the date on which such filing is proposed to become effective, and a list of the purchasers to whom it has been mailed: *Provided, however* That the provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86, unless such filing results in a change in rate, charge, classification or service.

In addition, the following material is to be submitted where applicable:

(a) *Statement of reasons for change in tariff contract, or part thereof.* A statement of the nature, the reasons and the basis for the proposed change. Data submitted in response to subsequent items may be included by reference as part of the response to this item.

(b) *Comparison of sales and revenues if change in rate or charge involved.* A comparative statement of sales made or transportation performed and revenues therefrom, by months, under the present and proposed tariff, contract, or part thereof, each applied to the transactions for the twelve months immediately preceding and for the twelve months immediately succeeding the proposed effective date of the change in tariff, contract or part thereof. Actual data shall be used as far as possible, and any estimated data should be designated as such. The statement shall be subdivided by rate schedules, classes of service, customers, and delivery points when more than one is involved. Such data shall include actual and billing quantities that are used to compute the charges, such as actual demands, billing demands, volumes, heat content and other determinants.

(c) *Rate increase applications.* If the proposed change in tariff, contract or part thereof will result in an increase in rates or charges, there shall be submitted in support of the proposed increased rate or charge a statement showing the cost of service for the entire system, and also the cost allocated to the particular service or classification for which the increase in rates or charges is proposed, together with an explanation of the allocation methods.

The information submitted in the statement shall show for the most recent 12-month period or calendar year:

(1) The original cost of facilities and the depreciation reserve, segregated functionally by major account classifications.

(2) Working capital including materials and supplies, with an explanation of the method of derivation thereof.

(3) Any other items claimed as part of the rate base. Such other items should be identified by major account classifications.

(4) Gas operating expenses segregated functionally by major account classifications.

(5) Annual charges for depreciation segregated according to each major account classification shown in subparagraph (1) of this paragraph; the annual depreciation rates used in computing such charges; and the method of determining such depreciation rates.

(6) Taxes charged to gas operations, classified under appropriate headings of Federal, State and local, with appropriate subclassification. There should be shown herein any increases in taxes estimated to result from the proposed rate increase, together with the method of derivation of the estimated amount of such tax increase.

(7) Rate of return claimed as reasonable, and the resulting amount of return.

(8) Cost of service as developed from above items.

(9) Relationship between the proposed tariff or part thereof which results in an increase in rates or charges, and the costs allocated to the particular service or classification.

(10) Gas operating revenues segregated functionally by major account classifications.

The statement shall show, by major account classifications, any significant changes in costs experienced during the period for which the above information is submitted, or which are anticipated in the future, with an explanation of the reasons therefor.

(d) *Submission of material by reference.* If all or any portion of the information called for by paragraph (a) through (d) of this section has already been submitted to the Commission, specific reference thereto may be made in lieu of resubmission in response to these requirements.

(e) *Change in executed service agreement.* Agreements intended to effect a change or revision of an executed service agreement shall be in the form of a superseding executed service agreement only. Service agreements shall not contain any supplements.

§ 154.64 *Cancellation or termination.* When a filed tariff, contract or part thereof is proposed to be canceled or is to terminate by its own terms and no new tariff, executed service agreement or part thereof is to be filed in its place, the natural-gas company shall notify the Commission of the proposed cancellation or termination on the form indicated in § 250.2 or § 250.3, whichever is applicable, at least thirty days prior to the proposed effective date of such cancellation or termination. A copy of such notice to the Commission shall be duly posted. With such notice, the company shall submit a statement showing the reasons for the cancellation or termination, a list of the affected purchasers to whom the notice has been mailed, the sales made or transportation performed and revenues therefrom, by months, for the twelve months immediately preceding the proposed effective date of the cancellation or termination. Actual data shall be used as far as possible, and any estimated data should be designated as such. Such statement shall be subdivided by rate schedules, classes of service, customers and delivery points when more than one is involved: *Provided, however* That the filing of such notice shall not be construed as compliance with the requirements of section 7 (b) of the Natural Gas Act.

§ 154.65 *Adoption of tariff by successor.* Whenever the tariff or contracts of a natural-gas company are to be adopted by another company or person as a result of an acquisition, or merger, authorized by appropriate certificate of public convenience and necessity, or for any other reason, the succeeding company shall file with the Commission and post within thirty days after such succession a certificate of adoption on the form prescribed in § 250.4. Within ninety days after such notice is filed, the succeeding company shall file a tariff with the sheets bearing the correct name of the successor company, to replace the tariff previously adopted.

RESTATEMENT OF SCHEDULES FILED PRIOR TO DECEMBER 1, 1948

§ 154.81 *Application.* Sections 154.82 through 154.86 apply to effective schedules of rates, charges, classifications, practices, regulations and contracts for the transportation or sale of natural gas subject to the jurisdiction of the Commission filed prior to December 1, 1948 which have not been prepared in accordance with §§ 154.31 through 154.41, and for which special exception has not been obtained under § 154.52.

§ 154.82 *Requirement for restatement.* All effective schedules of rates, charges, classifications, practices, regulations, and contracts not prepared in accordance with §§ 154.31 through 154.41 shall be restated and filed as parts of a Tariff in accordance with said sections on or before the dates specified in § 154.83 and duly posted at the time of filing: *Provided, however,* That price provisions which cannot be restated in cents or in dollars and cents per unit, as required by § 154.38 (d), without effecting a change in rates or charges may be retained in effect without change. *Provided, further,* That when necessary, pending completion of restatement within the time provided for by § 154.83, schedules may be filed in accordance

with Part 154 as in effect prior to December 1, 1948.

§ 154.83 *Filing date of restatements.* Natural gas companies shall file, in quintuplicate, restatements of their rate schedules as parts of tariffs on or before the dates specified below, unless an extension of time is granted by the Commission upon application and for good cause shown:

Companies Making Their Major Sales in and Date

Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Utah, West Virginia, Wisconsin, Wyoming: On or before March 1, 1949.

Alabama, District of Columbia, Florida, Georgia, Kentucky, Maryland, New York, New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia: On or before April 1, 1949.

Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas: On or before May 2, 1949.

With the filing of such restatement there shall be included a letter of transmittal containing a list of the material inclosed and a list of the purchasers to whom it has been mailed.

§ 154.84 *Plan of restatement.* The restatement shall contain the provisions of schedules of rates, charges, classifications, practices, regulations and contracts effective on the date the tariff is filed. However, concurrent with the restatement, a natural-gas company may propose changes in rates, charges, classifications, services, practices, rules and regulations in accordance with § 154.63 of this part. Differences in the phraseology of schedules should be reconciled whenever possible. The effective date to be shown on the tariff sheets shall be that desired by the company, but not less than 30 days nor more than 60 days after filing pursuant to § 154.83.

§ 154.85 *Status of contracts filed as rate schedules and restated.* Each contract, which is now filed as an effective rate schedule, may be continued in effect and shall be considered as an executed service agreement to the extent that the provisions thereof are not superseded by or in conflict with other applicable provisions of the rate schedules and general terms and conditions of the tariff, until such contract expires by its presently provided terms or is replaced by an executed service agreement in a form contained in the tariff: *Provided, however* That the natural-gas company, concurrent with the filing of the tariff, shall submit, for insertion in front of each such contract, a statement identifying the provisions thereof which are not superseded by or in conflict with other applicable provisions of the rate schedules and general terms and conditions of the tariff and which are to remain in effect.

Provided further however That agreements intended to effect a change or amendment in such contract may be made only by the execution of a form of service agreement contained in the tariff.

§ 154.86 *Availability of Commission staff for advice prior to formal filing.* Any natural-gas company restating its schedules in accordance with § 154.82 may informally submit a tariff or any part thereof for the suggestions of the staff of the Commission, or may confer with the staff of the Commission to obtain advice on any problem of restatement, prior to submission of the tariff to the Commission for filing and posting.

PART 155—CONTRACTS AND RATE SCHEDULES FOR DIRECT INDUSTRIAL SALES

Part 155 is added as follows:

§ 155.1 *Contracts and rate schedules for direct industrial sales.* Every natural-gas company shall currently furnish to the Commission two full and complete copies of every contract and the amendments thereto, presently or hereafter effective, for the direct sale of natural gas to industrial consumers for consumption where such contract involves the sale of 100,000 Mcf per year or more, together with all rate schedules, agreements, leases or other writings, tariffs, classifications, services, rules and regulations relative to such sale: *Provided, however,* That when such a presently filed contract is renewed or extended on identical terms except as to the period during which it is to be in effect, the natural-gas company may notify the Commission of such renewal or extension by letter, in duplicate, stating the date of the renewal or extension agreement and the period during which it is to be in effect, instead of furnishing to the Commission two copies of such renewal or extension agreement. In addition, every natural-gas company shall furnish to the Commission in October of each year, two full and complete lists of all direct industrial consumers using 3,000 Mcf or more during any month of the 12 months ended with the preceding August, but less than 100,000 Mcf per year, showing name, location, type of service such as firm or interruptible, and maximum monthly use during the 12-month period. (52 Stat. 822, 830; 15 U. S. C. 717c, o)

Subchapter G—Approved Forms, Natural Gas Act

PART 250—FORMS

Sections 250.2 to 250.4 are amended as follows:

§ 250.2 *Form of proposed cancellation of tariff or part thereof (see § 154.64)*

---- Revised Sheet No. ------
Superseding Sheet(s) No. ------

Name of Company
FPC Gas Tariff Original Volume No. -------

CANCELLATION OF TARIFF

Notice is hereby given that effective ---------- (date)
FPC Gas Tariff of ---------- (Name of Company)
is to be cancelled.

To be used for cancellation of an entire Tariff.

CANCELLATION OF RATE SCHEDULE ------

Notice is hereby given that effective ---------- (date)
Rate Schedule ---------- constituting ---------- Sheet(s) No.(s) ---------- of the FPC Gas Tariff of ---------- (Name of company) ---------- is to be cancelled.

To be used when an entire Rate Schedule is to be cancelled.

CANCELLATION OF SHEET NO. ------

Notice is hereby given that effective ---------- (date)
Sheet(s) No.(s) ------ of the FPC Gas Tariff of ---------- (Name of Company) ---------- is to be cancelled.

To be used for cancellation of individual sheets.

Issued by ---------- (Name and Title of Issuing Officer) Effective ---------- (Date)
Issued on ----------

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§ 250.3 *Form of proposed cancellation or termination of contract or part thereof (see § 154.64)*

Notice is hereby given that effective the ---------- day of ----------, ----, the contract with ----------, (Name of purchaser or purchasers) dated ---------- and relating to service under rate schedule(s) ---------- ---------- (Here identify the rate schedule(s), giving sheet numbers in the Tariff) is to be ---------- ---------- (Specify whether it automatically terminates by its terms or is to be canceled by action of the parties)

---------- (Name of natural-gas company filing notice)

By ----------
---------- (Title)

Dated ----------

§ 250.4 *Form of certificate of adoption (see § 154.65)*

The ---------- (Exact name of company or person)
---------- (Address)
effective ---------- (Effective date of adoption) hereby adopts, ratifies, and makes its own, in every respect, the Tariff and contracts listed below, which have heretofore been filed with the Federal Power Commission by ---------- (Exact name of predecessor)
---------- (Here identify the Tariff and contracts adopted.)

---------- (Name of successor)

By ----------
---------- (Title)

Dated ----------, 194--.

(52 Stat. 822, 830; 15 U. S. C. 717c, o)

[F. R. Doc. 48-9626; Filed, Oct. 29, 1948; 11:29 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

DEFINITIONS AND STANDARDS FOR FOOD

All currently effective definitions and standards for food (Parts 14 to 53, inclusive) promulgated under the Federal Food, Drug, and Cosmetic Act of June 25, 1938 (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) are reissued as set forth below. This republication is for the purpose of compiling the regulations and amendments, without change. In this republication, where the text contains references to the 1935 and 1940 editions of the Official and Tentative Methods of the Association of Official Agricultural Chemists, editorial notes have been inserted to furnish readers with page references of these methods set forth in the 1945 edition which are substantially the same as those in the 1935 and 1940 editions.

PART 14—CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

AUTHORITY: §§ 14.1 to 14.12 issued under secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact with respect to Part 14, see 9 F. R. 14329.

§ 14.1 *Cacao nibs, cocoa nibs, cracked cocoa; identity; label statement of optional ingredients.* (a) Cacao nibs, cocoa nibs, cracked cocoa is the food prepared by heating and cracking dried or cured and cleaned cacao beans and removing shell therefrom. Cacao nibs or the cacao beans from which they are prepared may be processed by heating with one or more of the following optional alkali ingredients, added as such or in aqueous solution: Bicarbonate, carbonate, or hydroxide of sodium, ammonium, or potassium; or carbonate or oxide of magnesium; but for each 100 parts by weight of cacao nibs used, as such or before shelling from the cacao beans, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than the neutralizing value of 3 parts by weight of anhydrous potassium carbonate. The cacao shell content of cacao nibs is not more than 1.75 percent by weight (calculated to an alkali-free basis if they or the cacao beans from which they were prepared have been processed with alkali), as determined by the method prescribed under "Shell in Cacao Nibs—Tentative" beginning on page 208 [Ed. note, 6th edition, 1945, p. 223] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" 5th Ed., 1940.

(b) When cacao nibs or the cacao beans from which they are prepared are processed, in whole or in part, with any optional alkali ingredient specified in paragraph (a) of this section, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 14.2 *Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating; identity; label statement of optional ingredients.* (a) Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating is the solid or semiplastic food prepared by finely grinding cacao nibs. To such ground cacao nibs, cacao fat or a cocoa or both may be added in quantities needed to adjust the cacao fat content of the finished chocolate liquor. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.) Chocolate liquor may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients specified in subparagraphs (1), (2), or (3) of this paragraph which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.

(3) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

(4) Butter, milk fat, dried malted cereal extract, ground coffee, ground nut meats.

(5) Salt.

Any optional ingredient used with the cacao beans or cacao nibs from which such chocolate liquor is prepared, or used with any cocoa added in preparing such chocolate liquor, shall be considered to be an optional ingredient used with such chocolate liquor. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with chocolate liquor; but for each 100 parts by weight of cacao nibs used in preparing the chocolate liquor, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished chocolate liquor contains not less than 50 percent and not more than 58 percent by weight of cacao fat. Unless the chocolate liquor is seasoned with butter, milk fat, or ground nut meats, the percentage of cacao fat is determined by the method prescribed under "Fat Method I—Official" beginning on page 202 [Ed. note, 6th edition, 1945, p. 223] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th Ed., 1940.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

(1) When the food is seasoned with an optional ingredient specified in subparagraph (a) (1) of this section the label shall bear the statement "Spiced" "Spice Added", "With Added Spice" "Spiced With ____" or "With Added ____" the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Flavored" "Flavoring Added" "With Added Flavoring", "Flavored With ____" "____ Added" or "With Added ____" the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3) of this section, the label shall bear the statement "Artificially Flavored" "Artificial Flavoring Added" "With Artificial Flavoring" "Artificially Flavored With ____" or "With ____, An Artificial Flavoring" the blank being filled in with the specific common name of the artificial flavoring used.

(4) When the food is seasoned with an optional ingredient specified in paragraph (a) (4) of this section, the label shall bear the statement "Seasoned With ____" the blank being filled in with the specific common name of the substance used as seasoning.

(5) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed in subparagraphs (1) to (4) inclusive, of this paragraph may be combined, as for ex-

ample, "With Added Cinnamon, Vanilla, and Coumarin, An Artificial Flavoring."

§ 14.3 *Breakfast cocoa, high fat cocoa; identity; label statement of optional ingredients.* (a) Breakfast cocoa, high fat cocoa is the food prepared by pulverizing the residual material remaining after part of the cacao fat has been removed from ground cacao nibs. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.

(3) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

(4) Salt.

Any optional ingredient used with the cacao beans, cacao nibs, or ground cacao nibs from which such breakfast cocoa is prepared shall be considered to be an optional ingredient used with such breakfast cocoa. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with breakfast cocoa; but for each 100 parts by weight of cacao nibs used in preparing the breakfast cocoa, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished breakfast cocoa contains not less than 22 percent of cacao fat, as determined by the method prescribed under "Fat Method I—Official" beginning on page 202 [Ed. note, 6th edition, 1945, p. 229] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Ed., 1940.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is seasoned with an optional ingredient specified in paragraph (a) (1) of this section, the label shall bear the statement "Spiced" "Spice Added" "With Added Spice", "Spiced With ____" or "With Added ____", the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in subparagraph (a) (2) of this section, the label shall bear the statement "Flavored", "Flavoring Added" "With Added Flavoring" "Flavored With _____" "_____ Added" or "With Added ____" the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3) of this section, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added" "With Artificial Flavoring" "Artificially Flavored With ____", or "With ____, An Artificial Flavoring" the blank being filled in with the specific common name of the artificial flavoring used.

(4) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed With Alkali" but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) to (4) inclusive, of this paragraph may be combined, as for example, "With Added Cinnamon, Vanilla, and Coumarin, An Artificial Flavoring."

§ 14.4 *Cocoa, medium fat cocoa; identity; label statement of optional ingredients.* Cocoa, medium-fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 22 percent but not less than 10 percent of cacao fat, as determined by the method referred to in § 14.3 (a)

§ 14.5 *Low-fat cocoa; identity; label statement of optional ingredients.* Low-fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 10 percent of cacao fat as determined by the method referred to in § 14.3 (a)

§ 14.6 *Sweet chocolate, sweet chocolate coating; identity; label statement of optional ingredients.* (a) Sweet chocolate, sweet chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) sweetened with one of the optional saccharine ingredients specified in paragraph (b) of this section. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture)

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

One or any mixture of two or more of the following optional dairy ingredients may be used in such quantity that the finished sweet chocolate contains less than 12 percent by weight of milk constituent solids:

(5) Butter, milk fat, cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, concentrated buttermilk, dried buttermilk, malted milk.

If chocolate liquor with any optional ingredient specified in § 14.2 (a) is used, such ingredient shall be considered to be an optional ingredient used with the sweet chocolate. The finished sweet chocolate contains not less than 15 percent by weight of chocolate liquor, calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished sweet chocolate, and multiplying the quotient by 100. Bittersweet chocolate is sweet chocolate which contains not less than 35 percent by weight of chocolate liquor, calculated in the same manner.

(b) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar, or partly refined cane sugar, or both.

(2) Any mixture of dextrose and sugar or partly refined cane sugar or both in which the weight of the solids of the dextrose used is not more than one-third of the total weight of the solids of all the saccharine ingredients used.

(3) Any mixture of dried corn sirup and sugar or partly refined cane sugar or both in which the weight of the solids of the dried corn sirup used is not more than one-fourth of the total weight of the solids of all the saccharine ingredients used.

(4) Any mixture of dextrose, dried corn sirup, and sugar or partly refined cane sugar or both, in which three times the weight of the solids of the dextrose used plus four times the weight of the solids of the dried corn sirup used is not more than the total weight of the solids of all the saccharine ingredients used.

(c) For the purpose of this section:

(1) The term "dextrose" means the anhydrous refined monosaccharide obtained from hydrolyzed starch.

(2) The term "dried corn sirup" means the product obtained by drying incompletely hydrolyzed cornstarch; its solids contain not less than 58 percent by weight of reducing sugars.

(d) "Semisweet chocolate," "bittersweet chocolate," "semisweet chocolate coating," and "bittersweet chocolate coating" are alternate names for sweet chocolate which contains not less than the minimum quantity of chocolate liquor prescribed for bittersweet chocolate by paragraph (a) of this section.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediate-

ly and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially Flavored With ____," or "With ____, An Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) of this section is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier."

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed with Alkali," but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "With Added Emulsifier and Coumarin, An Artificial Flavoring."

§ 14.7 *Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating; identity; label statement of optional ingredients.* (a) Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) and one or more of the optional dairy ingredients specified in paragraph (b) of this section, sweetened with one of the optional saccharine ingredients specified in § 14.6 (b) and (c) It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture)

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

If chocolate liquor with any optional ingredient specified in § 14.2 (a) is used, such ingredient shall be considered to be an optional ingredient used with the milk chocolate. The finished milk chocolate contains not less than 3.66 percent by weight of milk fat, not less than 12 percent by weight of milk solids, and not less than 10 percent by weight of chocolate liquor as calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished milk chocolate, and multiplying the quotient by 100.

(b) The optional dairy ingredients referred to in paragraph (a) of this section are milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, butter, milk fat, cream, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, and nonfat dry milk solids; but in any such ingredient or combination of two or more of such ingredients used, the weight of nonfat milk solids is not more than 2.43 times and not less than 1.20 times the weight of milk fat therein.

(c) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Artificially Flavored" "Artificial Flavoring Added" "With Artificial Flavoring" "Artificially Flavored With _____", or "With _____, An Artificial Flavoring" the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) of this section is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier."

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed With Alkali", but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "With Added Emulsifier and Coumarin, An Artificial Flavoring."

§ 14.8 *Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating; identity; label statement of optional ingredients.* Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredients used are limited to skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, and any combination of two or more of these.

(2) The finished skim milk chocolate contains less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of skim milk solids.

§ 14.9 *Buttermilk chocolate, buttermilk chocolate coating; identity; label statement of optional ingredients.* Buttermilk chocolate, buttermilk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredients used are limited to sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, or any combination of two or all of these.

(2) The finished buttermilk chocolate contains less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of sweet cream buttermilk solids.

§ 14.10 *Mixed dairy product chocolates, mixed dairy product chocolate coatings; identity; label statement of optional ingredients.* (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredient used in each such article is a mixture of two or more of the following four components:

(i) Any dairy ingredient or combination of such ingredients specified in § 14.7 (b) which is within the limits of the ratios specified therein for nonfat milk solids to milk fat.

(ii) One or more of the five skim milk ingredients specified in § 14.8.

(iii) One or more of the three sweet cream buttermilk ingredients specified in § 14.9.

(iv) Malted milk.

(2) Each of the finished articles may contain less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of milk constituent solids of the components used. The quantity of each component used in any such mixture is such that no component contributes less than one-third of the weight of milk constituent solids contributed by that component used in largest proportion. When any such mixture is of components (i) and (ii) of subparagraph (1), the quantity of nonfat milk solids in such mixture is more than 2.43 times the quantity of milk fat therein. For the purposes of paragraph (b) of this section, the designation of each of the components listed above is respectively "Milk," "Skim Milk," "Buttermilk," and "Malted Milk."

(b) The name of each such article is "chocolate" or "chocolate coating" preceded by the designations prescribed by paragraph (a) of this section for each component of the dairy ingredients used, such designations appearing in the order of predominance, if any, of the weight of milk constitutent solids in each such component. (For example, "Milk and Skim Milk Chocolate".)

§ 14.11 *Sweet chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.* (a) Sweet chocolate and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination may be hydrogenated and which has a melting point lower than that of cacao fat.

(2) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not apply.

(b) The provisions of this section shall not be construed as applicable to any article by reason of the addition thereto of a vegetable food fat other than cacao fat as a carrier of emulsifying ingredients, as authorized and within the limit prescribed by § 14.6 (a)

§ 14.12 *Sweet cocoa and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.* Sweet cocoa and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation cocoa is used, instead of chocolate liquor, in such quantity that the finished food contains not less than 6.8 percent by weight of the nonfat cacao portion of such cocoa, calculated by subtracting from the weight of cocoa used the weight of cacao fat therein and the weight therein of alkali and seasoning ingredients, if any, dividing the remainder by the weight of the finished food, and multiplying the quotient by 100. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.)

(2) In its preparation is added one or any combination of two or more vegetable food oils, vegetable food fats, or vegetable food stearins, other than cacao fat, which oil, fat, stearin, or combination has a melting point higher than that of cacao fat. Any such oil or fat may be hydrogenated.

(3) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not apply.

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

SUBPART A—WHEAT FLOUR AND RELATED PRODUCTS

Sec.

SUBPART B—CORN FLOUR AND RELATED PRODUCTS

AUTHORITY: §§ 15.00 to 15.514 issued under secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

SUBPART A—WHEAT FLOUR AND RELATED PRODUCTS

NOTE: For findings of fact relating to §§ 15.00 to 15.150, inclusive, see 6 F. R. 2574.

§ 15.00 *Flour white flour wheat flour plain flour; identity; label statement of optional ingredients.* (a) Flour, white flour, wheat flour, plain flour, is the food prepared by grinding and bolting cleaned wheat other than durum wheat and red durum wheat; to compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.25 percent. One of the cloths through which the flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The flour is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than the sum of one-twentieth of the percent of protein therein, calculated to a moisture-free basis, and 0.35. Its moisture content is not more than 15 percent. Unless such addition conceals damage or inferiority of the flour or makes it appear better or of greater value than it is, one or any combination of two or more of the following optional bleaching ingredients may be added in a quantity not more than sufficient for bleaching or, in case such ingredient has an artificial aging effect, in a quantity not more than sufficient for bleaching and such artificial aging effect:

(1) Oxides of nitrogen.
(2) Chlorine.
(3) Nitrosyl chloride.
(4) Nitrogen trichloride.
(5) One part by weight of benzoyl peroxide mixed with not more than six parts by weight of a mixture of either potassium alum or calcium sulfate and magnesium carbonate.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this section:

(1) Ash is determined by the method prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 212 [Ed. note, 6th edition, 1945, p. 238], under "Method I—Official." Ash is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of ash, and multiplying the quotient by 100.

(2) Protein is 5.7 times the nitrogen as determined by the method prescribed in such book on page 26 [Ed. note, 6th edition, p. 27], under "Kjeldahl-Gunning-Arnold Method—Official." Protein is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of protein, and multiplying the quotient by 100.

(3) Moisture is determined by the method prescribed in such book on page 211 [Ed. note, 6th edition, p. 237], under "Vacuum Oven Method—Official."

§ 15.10 *Enriched flour; identity; label statement of optional ingredients.* Enriched flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.00, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not

less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe)

(b) Vitamin D may be added in such quantity that each pound of the finished enriched flour contains not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

(c) Calcium may be added in such quantity that each pound of the finished enriched flour contains not less than 500 milligrams and not more than 625 milligrams of calcium (Ca) except that enriched flour may be acidified with monocalcium phosphate irrespective of the minimum limit for calcium (Ca) herein prescribed;

(d) It may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ; and

(e) In determining whether the ash content complies with the requirements of this section allowance is made for ash resulting from any added iron or salts of iron or calcium.

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this section may be added in a harmless carrier which does not impair the enriched flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

NOTE: For findings of fact relating to § 15.10, see 8 F. R. 9115.

§ 15.20 *Bromated flour; identity; label statement of optional ingredients.* Bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.00, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished bromated flour, and is added only to flours whose baking qualities are improved by such addition.

§ 15.30 *Enriched bromated flour; identity; label statement of optional ingredients.* Enriched bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for enriched flour by § 15.10, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished enriched bromated flour, and is added only to enriched flours whose baking qualities are improved by such addition.

NOTE: §§ 15.20 and 15.30 shall become effective on the ninetieth day following July 23, 1948 (13 F. R. 4232).

For findings of fact relating to §§ 15.20 and 15.30, see 13 F. R. 4231.

§ 15.40 *Durum flour; identity.* (a) Durum flour is the food prepared by grinding and bolting cleaned durum wheat. One of the cloths through which such flour is bolted has openings not larger than those of woven-wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 1.5 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section, ash and moisture are determined by the methods therefor referred to in § 15.00 (c).

§ 15.50 *Self-rising flour, self-rising white flour self-rising wheat flour; identity; label statement of optional ingredients.* (a) Self-rising flour, self-rising white flour, self-rising wheat flour, is an intimate mixture of flour, sodium bicarbonate, and the acid-reacting substance monocalcium phosphate or sodium acid pyrophosphate or both. It is seasoned with salt. When it is tested by the method prescribed in paragraph (c) of this section not less than 0.5 percent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of flour used. Subject to the conditions and restrictions prescribed by § 15.00 (a) the bleaching ingredients specified in such section may be added as optional ingredients. If the flour used in making the self-rising flour is bleached, the optional bleaching ingredient used therein (see § 15.00 (a)) is also an optional ingredient of the self-rising flour.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) The method referred to in paragraph (a) of this section is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, beginning on page 186 [Ed. note, 6th edition, p. 208] under "Gasometric Method with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "6—Determination":

Weigh 17 grams of the official sample into flask A, add 15–20 glass beads (4–6 mm. diameter) and connect this flask with the apparatus (fig. 22). Open stopcock C and by means of the leveling bulb E bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette F 45 cc. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for ten minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 24—Chapter XLIII [Ed. note, 6th edition, 1945, 44.30] for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of flour, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent of carbon dioxide evolved from the official sample.

§ 15.60 *Enriched self-rising flour; identity; label statement of optional ingredients.* Enriched self-rising flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for self-rising flour by § 15.50, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe) not less than 500 milligrams and not more than 1,500 milligrams of calcium (Ca)

(b) Vitamin D may be added in such quantity that each pound of the finished enriched self-rising flour contains not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

(c) It may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ;

(d) When calcium is added as dicalcium phosphate, such dicalcium phosphate is also considered to be an acid-reacting substance; and

(e) When calcium is added as carbonate, the method set forth in § 15.50 (c) does not apply as a test for carbon dioxide evolved; but in such case the quantity of carbon dioxide evolved under ordinary conditions of use of the enriched self-rising flour is not less than 0.5 percent of the weight thereof.

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this section may be added in a harmless carrier which does not impair the enriched self-rising flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

NOTE: For findings of fact relating to § 15.60, see 8 F. R. 9115.

§ 15.70 *Phosphated flour phosphated white flour phosphated wheat flour· identity; label statement of optional ingredients.* Phosphated flour, phosphated white flour, phosphated wheat flour, conforms to the definition and standard of identity, and is subject to the requirements for label declaration of optional ingredients, prescribed for flour by § 15.00, except that:

(a) Monocalcium phosphate is added in a quantity not less than 0.25 percent and not more than 0.75 percent of the weight of the finished phosphated flour; and

(b) In determining whether the ash content complies with the requirements of this section allowance is made for the added monocalcium phosphate.

§ 15.80 *Whole wheat flour graham flour, entire wheat flour; identity; label statement of optional ingredients.* (a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in paragraph (c) (2) of this section, not less than 90 percent passes through a No. 8 sieve and not less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted wheat flour so used is not more than 0.5 percent, and the quantity of malted barley flour so used is not more than 0.25 percent. The moisture content of whole wheat flour is not more than 15 percent. Unless such addition conceals damage or inferiority of the whole wheat flour or makes it appear better or of greater value than it is, the optional bleaching ingredient nitrogen trichloride, chlorine, or a mixture of nitrosyl chloride and chlorine, may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purpose of this section:

(1) Moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" 5th edition, 1940, page 211 [Ed. note, 6th edition, 1945, p. 237] under "Vacuum Oven Method—Official."

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 8 and No. 20 sieves, having standard 8-inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 8 sieve into a No. 20 sieve. Attach bottom pan to the No. 20 sieve. Pour 100 grams of the sample into the No. 8 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. 8 sieve and the material which passes through the No. 20 sieve.

§ 15.90 *Bromated whole wheat flour· identity; label statement of optional ingredients.* Bromated whole wheat flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for whole wheat flour by § 15.80, except that potassium bromate is added in a quantity not exceeding 75 parts to each million parts of finished bromated whole wheat flour.

§ 15.100 *Whole durum wheat flour; identity; label statement of optional ingredients.* Whole durum wheat flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for whole wheat flour by § 15.80, except that cleaned durum wheat, instead of cleaned wheat other than durum wheat and red durum wheat, is used in its preparation.

§ 15.110 *Crushed wheat, coarse ground wheat; identity.* Crushed wheat, coarse ground wheat, is the food prepared by so crushing cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.80 (c) (2), 40 percent or more passes through a No. 8 sieve and less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Crushed wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 353 [Ed. note, 6th edition, 1945, p. 404], under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official."

§ 15.120 *Cracked wheat; identity.* Cracked wheat is the food prepared by so cracking or cutting into angular fragments cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.80 (c) (2) not less than 90 percent passes through a No. 8 sieve and not more than 20 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Cracked wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" 5th edition, 1940, page 353 [Ed. note, 6th edition, 1945, p. 404], under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official."

§ 15.130 *Farina; identity.* (a) Farina is the food prepared by grinding and bolting cleaned wheat, other than durum wheat and red durum wheat, to such fineness that, when tested by the method prescribed in paragraph (b) (2) of this section, it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 0.6 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section:

(1) Ash and moisture are determined by the methods therefor referred to in § 15.00 (c)

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 20 and No. 100 sieves, having standard 8-inch full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 20 sieve into a No. 100 sieve. Attach bottom pan to the No. 100 sieve. Pour 100 grams of the sample into the No. 20 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through

the No. 20 sieve and the material which passes through the No. 100 sieve.

§ 15.140 *Enriched farina; identity; label statement of optional ingredients.* (a) Enriched farina conforms to the definition and standard of identity prescribed for farina by § 15.130, except that:

(1) It contains in each pound not less than 1.66 milligrams of vitamin B_1, not less than 1.2 milligrams of riboflavin, not less than 6 milligrams of niacin or niacin amide, and not less than 6 milligrams of iron (Fe)

NOTE: The effective date of the requirement that each pound of enriched farina contain not less than 1.2 milligrams of riboflavin was postponed until further announcement, 8 F. R. 3358, 9115.

(2) Vitamin D may be added in such quantity that each pound of the finished enriched farina contains not less than 250 U. S. P. units of the optional ingredient vitamin D;

(3) Calcium may be added in such quantity that each pound of the finished enriched farina contains not less than 500 milligrams of the optional ingredient calcium (Ca)

(4) It may contain not more than 8 percent by weight of the optional ingredient wheat germ or partly defatted wheat germ.

(5) It may contain not less than 0.5 percent and not more than 1 percent by weight of the optional ingredient disodium phosphate.

(6) In determining whether the ash content complies with the requirements of this section allowance is made for ash resulting from any added iron or salts of iron or calcium, or from any added disodium phosphate, or from any added wheat germ or partly defatted wheat germ.

Iron and calcium may be added only in forms which are harmless and assimilable. Dried irradiated yeast may be used as a source of vitamin D. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched farina; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the farina.

(b) When the optional ingredient disodium phosphate is used, the label shall bear the statement "Disodium phosphate added for quick cooking." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if such statement is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

§ 15.150 *Semolina; identity.* (a) Semolina is the food prepared by grinding and bolting cleaned durum wheat to such fineness that, when tested by the method prescribed in § 15.130 (b) (2), it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 0.92 percent. Its moisture content is not more than 15 percent.

(b) For the purpose of this section:

Ash and moisture are determined by the methods therefor referred to in § 15.00 (c).

SUBPART B—CORN FLOUR AND RELATED PRODUCTS

NOTE: For findings of fact relating to §§ 15.500 to 15.514, see 12 F. R. 3107.

§ 15.500 *White corn meal; identity.* (a) White corn meal is the food prepared by so grinding cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 12 sieve, not less than 45 percent through a No. 25 sieve, but not more than 35 percent through a No. 72 grits gauze. Its moisture content is not more than 15 percent. In its preparation coarse particles of the ground corn may be separated and discarded, or reground and recombined with all or part of the material from which they were separated, but in any such case the crude fiber content of the finished corn meal is not less than 1.2 percent and not more than that of the cleaned corn from which it was ground, and its fat content does not differ more than 0.3 percent from that of such corn. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) (1) For the purposes of this section moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th edition, page 259, §§ 20.70 and 20.71; fat is determined by the method prescribed on pages 259 and 260, §§ 20.70 and 20.73; and crude fiber determined by the method prescribed on pages 259 and 260, §§ 20.70 and 20.74.

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 12 and No. 25 sieves, having standard 8-inch diameter, full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. A sieve with frame of the same dimensions as the Nos. 12 and 25 and fitted with 72 XXX grits gauze is used as the third sieve. It is referred to hereafter as the No. 72 sieve. The 72 XXX grits gauze has openings equivalent in size with those of No. 70 woven-wire cloth, complying with specifications for such cloth contained in such "Standard Specifications for Sieves." Attach bottom pan to No. 72 sieve. Fit the No. 25 sieve into the No. 72 sieve and the No. 12 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 12 sieve, attach cover and hold the assembly in a slightly inclined position and shake the assembly of sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the assembly of sieves about ⅙ of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on each sieve and in the pan, and calculate each weight as percent of sample. Sometimes when meals are tested, fine particles clog the sieve openings. If any sieve is clogged by fine material smaller than its openings, empty the contents onto a piece of paper. Remove the entrapped material on the bottom of the sieve by a hair brush and add to the sieve below. In like manner, clean the adhering material from inside the sieve and add to the material on the paper. Return mixture on the paper to the sieve, reassemble the sieves, and shake in the same manner as before for 1 minute. Repeat cleaning procedure if necessary until a 5-gram or les loss in weight occurs in any sieve during a 1-minute shaking. The percent of sample passing through No. 12 sieve shall be determined by subtracting from 100 percent, the percent of material remaining on the No. 12 sieve. The percent passing through a No. 25 sieve shall be determined by adding the percents remaining on the No. 72 sieve and the percent in pan. The percent in the pan shall be considered as the percent passing through a No. 72 XXX grits gauze.

§ 15.501 *Yellow corn meal; identity.* Yellow corn meal conforms to the definition and standard of identity prescribed by § 15.500 for white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.502 *Bolted white corn meal; identity.* (a) Bolted white corn meal is the food prepared by so grinding and sifting cleaned white corn that:

(1) Its crude fiber content is less than 1.2 percent but its fat content is not less than 2.25 percent, and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of the No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent. In its preparation particles of ground corn which contain germ may be separated, reground, and recombined with all or part of the material from which it was separated, but in any such case the fat content of the finished bolted white corn meal does not exceed by more than 0.3 percent the fat content of the cleaned corn from which it was ground. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) For the purposes of this section, moisture, fat and crude fiber are determined by the methods therefor referred to in § 15.500 (b) (1)

§ 15.503 *Bolted yellow corn meal; identity.* Bolted yellow corn meal conforms to the definition and standard of identity prescribed by § 15.502 for bolted white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.504 *Degerminated white corn meal, degermed white corn meal; identity.* (a) Degerminated white corn meal, degermed white corn meal, is the food prepared by grinding cleaned white corn and removing bran and germ so that:

(1) On a moisture-free basis, its crude fiber content is less than 1.2 percent and its fat content is less than 2.25 percent; and

(2) When tested by the method prescribed in § 15.500 (b) (2) except that a No. 20 standard sieve is used instead of a No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent.

(b) For the purpose of this section, moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1)

§ 15.505 *Degerminated yellow corn meal, degermed yellow corn meal; identity.* Degerminated yellow corn meal, degermed yellow corn meal, conforms to the definition and standard of identity prescribed by § 15.504 for degerminated white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.506 *Self-rising white corn meal; identity.* (a) Self-rising white corn meal is an intimate mixture of white corn meal, sodium bicarbonate, and the acid-reacting substance monocalcium phosphate. It is seasoned with salt. When it is tested by the method prescribed in paragraph (b) of this section, not less than 0.5 percent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of white corn meal used.

(b) The method referred to in paragraph (a) of this section is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th Edition, beginning on page 208 under "Gasometric Method (2) with Chittick's Apparatus—Official" except that the following procedure is substituted for the procedure specified therein under "17.6—Determination".

Weigh 17 grams of the official sample into flask *A*, add 15–20 glass beads (4–6 mm. diameter), and connect this flask with the apparatus (fig. 25) Open stopcock *C* and by means of the leveling bulb *E* bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette *F* 45 cc. of sulfuric acid (1+5) To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for 10 minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition) Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 44.30 — Reference Tables for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of corn meal, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent of carbon dioxide evolved from the official sample.

§ 15.507 *Self-rising yellow corn meal; identity.* Self-rising yellow corn meal conforms to the definition and standard of identity prescribed by § 15.506 for self-rising white corn meal except that yellow corn meal is used instead of white corn meal.

§ 15.508 *White corn flour; identity.* (a) White corn flour is the food prepared by so grinding and bolting cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section, not less than 98 percent passes through a No. 50 sieve and not less than 50 percent passes through No. 70 woven-wire cloth. Its moisture content is not more than 15 percent. In its preparation part of the ground corn may be removed, but in any such case, the content (on a moisture-free basis) of neither the crude fiber nor fat in the finished white corn flour exceeds the content (on a moisture-free basis) of such substance in the cleaned corn from which it was ground.

(b) (1) For the purpose of this section, moisture, fat, and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows:

Weigh 5 grams of sample into a tared truncated metal cone (top diameter 5 centimeters, bottom diameter 2 centimeters, height 4 centimeters), fitted at bottom with 70-mesh wire cloth complying with the specifications for No. 70 wire cloth in "Standard Specifications for Sieves", published March 1, 1940 in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach cone to a suction flask. Wash with 150 ml. of petroleum ether applied in a small stream without suction, while gently stirring the sample with a small glass rod. Apply suction for 2 minutes after washing is completed, then shake the cone for 2 minutes with a vigorous horizontal motion, striking the side against the hand, and then weigh. The decrease in weight of sample, calculated as percent by weight of sample shall be considered the percent passing through No. 70 wire cloth. Transfer the residue from cone to a No. 50 sieve having a standard 8-inch diameter full height frame, complying with the specifications for wire cloth and sieve frame in said "Standard Specifications for Sieves." Shake for 2 minutes with a vigorous horizontal motion, striking the side against the hand; remove and weigh the residue; calculate the weight of residue as percent by weight of sample, and subtract from 100 percent to obtain the percent of sample passing through the No. 50 sieve.

§ 15.509 *Yellow corn flour; identity.* Yellow corn flour conforms to the definition and standard of identity prescribed by § 15.508 for white corn flour except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.510 *Grits, corn grits, hominy grits; identity.* (a) Grits, corn grits, hominy grits, is the food prepared by so grinding and sifting cleaned white corn, with removal of corn bran and germ, that:

(1) On a moisture-free basis its crude fiber content is not more than 1.2 percent and its fat content is not more than 2.25 percent; and

(2) When tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 10 sieve but not more than 20 percent through a No. 25 sieve.

(b) (1) For the purposes of this section moisture, fat, and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1)

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 10 and No. 25 sieves, having standard 8-inch diameter full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach bottom pan to No. 25 sieve. Fit the No. 10 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 10 sieve, attach cover and hold assembly in a slightly inclined position, shake the sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about ⅙ of a revolution each time in the same direction after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on the No.

10 sieve and in the pan, and calculate each weight as percent of sample. The percent of sample passing through a No. 10 sieve shall be determined by subtracting from 100 percent, the percent remaining on the No. 10 sieve. The percent of material in the pan shall be considered as the percent passing through a No. 25 sieve.

§ 15.511 *Yellow grits, yellow corn grits, yellow hominy grits; identity.* Yellow grits, yellow corn grits, yellow hominy grits, conforms to the definition and standard of identity prescribed by § 15.510 for grits except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.512 *Quick grits, quick cooking grits; identity.* (a) Quick grits, quick cooking grits are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of grits by §§ 15.510 or 15.511, except that in process of preparation the grits are lightly steamed and slightly compressed so as to fracture the particles.

(b) The name of each kind of grits is "Quick" or "Quick cooking" followed by the name of the kind of grits used which is prescribed in the definition and standard of identity therefor.

§ 15.513 *Enriched corn meals; identity.* (a) Enriched corn meals are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of corn meal by §§ 15.500 to 15.507, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg. and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 26 mg. of iron (Fe)

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca) Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) (2) and (3) of this paragraph may be added in a harmless carrier which does not impair the enriched corn meal; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn meal used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used.

(b) The name of each kind of enriched corn meal is the word "Enriched" followed by the name of the kind of corn meal used which is prescribed in the definition and standard of identity therefor.

§ 15.514 *Enriched corn grits; identity.* (a) Enriched corn grits are the foods, each of which conforms to the definition and standard of identity prescribed for grits, yellow grits, or quick cooking grits by §§ 15.510 to 15.512, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg. and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacinamide, not less than 13 mg. and not more than 26 mg. of iron (Fe)

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca) Iron and calcium may be added only in forms which are harmless and assimilable. The vitamins referred to in subparagraph (1) of this paragraph may be combined with harmless substances to render them insoluble in water if the water-insoluble products are assimilable. The substances referred to in subparagraphs (1) (2), and (3) of this paragraph may be added in a harmless carrier; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn grits used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used. When the finished food is tested by the method prescribed in paragraph (c) of this section it complies with the requirements set forth therein.

(b) The name of each kind of enriched corn grits is the word "Enriched" followed by the name of the kind of corn grits used which is prescribed in the definition and standard of identity therefor.

(c) The method referred to in paragraph (a) of this section is as follows:

Transfer 100 grams of enriched grits to a 2-liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for exactly ½ minute so that the grits are kept in motion. Allow the grits to settle for ½ minute, then pour off 850 cc. of the water along with any floating or suspended matter. Determine thiamine, riboflavin, niacin, and iron in the wet grits and water remaining in the flask. Calculate as mg. per pound of the grits before rinsing. The amounts found by this procedure are not less than 85 percent of the minimum amounts of thiamine, riboflavin, niacin and iron prescribed by the standard for enriched grits.

PART 16—ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

MACARONI AND NOODLE PRODUCTS

Sec.

AUTHORITY: §§ 16.1 to 16.10 issued under secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 16.1 to 16.10, inclusive, see 9 F. R. 14231, 11 F. R. 7593, 7521.

§ 16.1 *Macaroni products; identity; label statement of optional ingredients.* (a) Macaroni products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (5) inclusive:

(1) Egg white, frozen egg white, dried egg white, or any two or all of these, in such quantity that the solids thereof is not less than 0.5 percent and not more than 2.0 percent of the weight of the finished food.

(2) Disodium phosphate, in a quantity not less than 0.5 percent and not more than 1.0 percent of the weight of the finished food.

(3) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(4) Salt, in a quantity which seasons the food.

(5) Gum gluten, in such quantity that the protein content of the finished food is not more than 13 percent by weight.

The finished macaroni product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235 [Ed. note, 6th edition, 1945, p. 265], under "Vacuum Oven Method—Official."

(b) Macaroni is the macaroni product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(c) Spaghetti is the macaroni product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Macaroni Product;" or alternately, the name is "Macaroni," "Spaghetti," or "Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c) or (d) respectively, of this section.

(f) (1) When disodium phosphate is used the label shall bear the statement "Disodium phosphate added for quick cooking."

(2) When any ingredient specified in paragraph (a) (3) of this section is used the label shall bear the statement "Seasoned with _____," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves."

(3) Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.2 *Milk macaroni products; identity; label statement of optional ingredients.* (a) Milk macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the milk ingredients specified in paragraph (f) of this section is used, with or without water, in such quantity that the weight of milk solids therein is not less than 3.8 percent of the weight of the finished milk macaroni product; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten [§ 16.1 (a) (5)] is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour, or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Milk macaroni is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b)

(c) Milk spaghetti is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c)

(d) Milk vermicelli is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d)

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Milk Macaroni Product"; or alternately, the name is "Milk Macaroni," "Milk Spaghetti," or "Milk Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c) or (d) respectively, of this section.

(f) The milk ingredients referred to in paragraph (a) (1) of this section are concentrated milk, evaporated milk, dried milk, and a mixture of butter with skim milk, concentrated skim milk, evaporated skim milk, defatted milk solids (dried skim milk) or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.275 times the weight of milk fat therein.

§ 16.3 *Whole wheat macaroni products; identity; label statement of optional ingredients.* (a) Whole wheat macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3) except that:

(1) Whole wheat flour or whole durum wheat flour or both are used as the sole wheat ingredient; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1), (2) and (5) is used.

(b) Whole wheat macaroni is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b)

(c) Whole wheat spaghetti is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c)

(d) Whole wheat vermicelli is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d)

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Whole Wheat Macaroni Product;" or alternately, the name is "Whole Wheat Macaroni," "Whole Wheat Spaghetti," or "Whole Wheat Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b) (c) or (d) respectively, of this section.

§ 16.4 *Wheat and soy macaroni products; identity; label statement of optional ingredients.* (a) Wheat and soy macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3) except that:

(1) Soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom) and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten (§ 16.1 (a) (5)) is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Wheat and soy macaroni is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b)

(c) Wheat and soy spaghetti is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c)

(d) Wheat and soy vermicelli is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d)

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Macaroni Product," "Wheat and Soybean Macaroni Product," "_____ and Soy Macaroni Product," or "_____ and Soybean Macaroni Product," the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a), or alternately, the name is "Wheat and Soy Macaroni," "Wheat and Soybean Macaroni," "____ and Soy Macaroni," or "____ and Soybean Macaroni" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Spaghetti," "Wheat and Soybean Spaghetti," "_____ and Soy Spaghetti," or "_____ and Soybean Spaghetti" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Vermicelli," "Wheat and Soybean Vermicelli," "_____ and Soy Vermicelli," or "_____ and Soybean Vermicelli" when such units comply with the requirements of paragraph (d) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a)

§ 16.5 *Vegetable macaroni products; identity; label statement of optional ingredients.* (a) Vegetable macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable macaroni product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste), and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten [§ 16.1 (a) (5)] is added, the quantity is such that the protein derived therefrom, together with the protein derived from the semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Vegetable macaroni is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b)

(c) Vegetable spaghetti is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c)

(d) Vegetable vermicelli is the vegetable macaroni product, the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d)

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "_____ Macaroni Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section; or alternately, the name is "_____ Macaroni," "_____ Spaghetti," or "_____ Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b) (c) or (d) respectively, the blank in each instance being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section.

§ 16.6 *Noodle products; identity; label statement of optional ingredients.* (a) Noodle products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, or any combination of two or more of these, with or without water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (3) inclusive:

(1) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(2) Salt, in a quantity which seasons the food.

(3) Gum gluten, in such quantity that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

The finished noodle product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235 [Ed. note, 6th edition, 1945, p. 237], under "Vacuum Oven Method—Official." The total solids of noodle products contains not less than 5.5 percent by weight of the solids of egg, or egg yolk.

(b) Noodles, egg noodles, is the noodle product the units of which are ribbon-shaped.

(c) Egg macaroni is the noodle product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(d) Egg spaghetti is the noodle product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(e) Egg vermicelli is the noodle product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Noodle Product" or "Egg Noodle Product" or alternately, the name is "Noodles" or "Egg Noodles," "Egg Macaroni," "Egg Spaghetti," or "Egg Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c) (d), or (e) respectively, of this section.

(g) When any ingredient specified in paragraph (a) (1) of this section is used the label of the noodle product shall bear the statement "Seasoned with _____," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves." Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.7 *Wheat and soy noodle products; identity; label statement of optional ingredients.* (a) Wheat and soy noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom).

(b) Wheat and soy noodles, wheat and soy egg noodles, is the wheat and soy noodle product the units of which are ribbon-shaped.

(c) Wheat and soy egg macaroni is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Wheat and soy egg spaghetti is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d)

(e) Wheat and soy egg vermicelli is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Noodle Product," "Wheat and Soy Egg Noodle Product," "Wheat and Soybean Noodle Product," "Wheat and Soybean Egg Noodle Product," "_____ and Soy Noodle Product," "_____ and Soy Egg Noodle Product," "_____ and Soybean Noodle Product," or "_____ and Soybean Egg Noodle Product," the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a), or alternately, the name is "Wheat and Soy Noodles," "Wheat and Soy Egg Noodles," "Wheat and Soybean Noodles," "Wheat and Soybean Egg Noodles," "_____ and Soy Noodles," "_____ and Soy Egg Noodles," "_____ and Soybean Noodles," or "_____ and Soybean Egg Noodles" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Egg Macaroni," "Wheat and Soybean Egg Macaroni," "_____ and Soy Egg Macaroni," or "_____ and Soybean Egg Macaroni" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Egg Spaghetti," "Wheat and Soybean Egg Spaghetti," "_____ and Soy Egg Spaghetti," or "_____ and Soybean Egg Spaghetti" when such units comply with the requirements of paragraph (d) of this section; or "Wheat and Soy Egg Vermicelli," "Wheat and Soybean Egg Vermicelli," "_____ and Soy Egg Vermicelli," or "_____ and Soybean Egg Vermicelli," when such units comply with the requirements of paragraph (e) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a).

§ 16.8 *Vegetable noodle products; identity; label statement of optional ingredients.* (a) Vegetable noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g) except that tomato (of any red variety) artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable noodle product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste)

(b) Vegetable noodles, vegetable egg noodles, is the vegetable noodle product the units of which are ribbon-shaped.

(c) Vegetable egg macaroni is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Vegetable egg spaghetti is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Vegetable egg vermicelli is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e)

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "_____ Noodle Product" or "_____ Egg Noodle Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section; or alternately, the name is "_____ Noodles" or "_____ Egg Noodles," "_____ Egg Macaroni," "_____ Egg Spaghetti," or "_____ Egg Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b) (c) (d) or (e) respectively, the blank in each instance being filled in with the name whereby the vegetable is designated in paragraph (a) of this section.

§ 16.9 *Enriched macaroni products; identity; label statement of optional ingredients.* (a) Enriched macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) except that:

(1) Each such food contains in each pound not less than 4 mg. and not more than 5 mg. of thiamine, not less than 1.7 mg. and not more than 2.2 mg. of riboflavin, not less than 27 mg. and not more than 34 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 16.5 mg. of iron (Fe)

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P units and not more than 1000 U. S. P units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mg. and not more than 625 mg. of calcium (Ca)

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1) (2) and (3) of this paragraph through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2) and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched macaroni product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched macaroni product.

(b) Enriched macaroni is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b)

(c) Enriched spaghetti is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c)

(d) Enriched vermicelli is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d)

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Macaroni Product;" or alternately, the name is "Enriched Macaroni" "Enriched Spaghetti," or "Enriched Vermicelli" as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c) or (d) respectively of this section.

§ 16.10 *Enriched noodle products; identity; label statement of optional ingredients.* (a) Enriched noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g) except that:

(1) Each such food contains in each pound not less than 4 mg. and not more than 5 mg. of thiamine, not less than 1.7 mg. and not more than 2.2 mg. of riboflavin, not less than 27 mg. and not more than 34 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 16.5 mg. of iron (Fe)

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mg. and not more than 625 mg. of calcium (Ca)

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1) (2) and (3) of this paragraph through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1) (2), and (3)

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched noodle product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched noodle product.

(b) Enriched noodles, enriched egg noodles, are the enriched noodle products the units of which conform to the specifications of shape and size prescribed for noodles in § 16.6 (b)

(c) Enriched egg macaroni is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni in § 16.6 (c)

(d) Enriched egg spaghetti is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti in § 16.6 (d)

(e) Enriched egg vermicelli is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli in § 16.6 (e)

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Noodle Product" or "Enriched Egg Noodle Product"; or alternately, the name is "Enriched Noodles" or "Enriched Egg Noodles" "Enriched Egg Macaroni" "Enriched Egg Spaghetti" or "Enriched Egg Vermicelli" as the case may be, when the units of the food comply with the requirements of paragraphs (b) (c) (d), or (e) respectively of this section.

PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

AUTHORITY: §§ 18.500 to 18.540 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 18.500 to 18.540 see 5 F. R. 2443, 2445, 2543, 6 F. R. 4933, 8 F. R. 14277.

§ 18.500 *Cream class of food; identity.* Cream is the class of food which is the sweet, fatty liquid or semi-liquid separated from milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized and if it contains less than 30 percent of milk fat as determined by the method hereinafter referred to, it may be homogenized. It contains not less than 18 percent of milk fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" Fourth Edition, 1935, page 277 [Ed. note, 6th edition, 1945, p. 323] under "Fat, Roese-Gottlieb Method—Official" The word "milk" as used herein means cow's milk.

§ 18.501 *Light cream, coffee cream, table cream, identity.* Light cream, coffee cream, table cream, conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.510 *Whipping cream class of food; identity.* Whipping cream is the class of food which conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains not less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.511 *Light whipping cream, identity.* Light whipping cream conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

§ 18.515 *Heavy cream, heavy whipping cream, identity.* Heavy cream, heavy whipping cream, conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains not less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

§ 18.520 *Evaporated milk; identity; label statement of optional ingredients.* (a) Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It may contain one or both of the following optional ingredients:

(1) Disodium phosphate or sodium citrate or both, or calcium chloride, added in a total quantity of not more than 0.1 percent by weight of the finished evaporated milk.

(2) Vitamin D in such quantity as increases the total vitamin D content to not less than 7.5 U. S. P. units per avoirdupois ounce of finished evaporated milk.

It may be homogenized. It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient (a) (2) is present, the label shall bear the statement, "With Increased Vitamin D Content" or "Vitamin D Content Increased" Such statement shall immediately and conspicuously precede or follow the name "Evaporated Milk" without intervening written, printed, or graphic matter, wherever such name appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

(c) For the purpose of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or by the addition of concentrated sweet skim milk.

(3) The quantity of milk fat is determined by the method prescribed under "Fat—Official" on page 280 [Ed. note, 6th edition, p. 325] and the quantity of total milk solids is determined by the method prescribed under "Total Solids—Official" on page 279 [Ed. note, 6th edition, 1945, p. 325] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935.

(4) Vitamin D content may be increased by the application of radiant energy or by the addition of a concentrate of vitamin D (with any accompanying vitamin A when such vitamin D in such concentrate is obtained from natural sources) dissolved in a food oil; but if such oil is not milk fat the quantity thereof added is not more than 0.01 percent of the weight of the finished evaporated milk.

(5) The quantity of vitamin D is determined by the method prescribed in the "The Second Supplement to the Pharmacopoeia of the United States of America Eleventh Decennial Revision" pages 132–134 inclusive, and pages 136–138 inclusive, with such modification of the method of feeding as is necessary for evaporated milk instead of an oil.

§ 18.525 *Concentrated milk, plain condensed milk; identity; label statement of optional ingredients.* Concentrated milk, plain condensed milk, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for evaporated milk by § 18.520, except that:

(a) It is not processed by heat;

(b) Its container may be unsealed; and

(c) Optional ingredient § 18.520 (a) (1) is not used.

§ 18.530 *Sweetened condensed milk; identity.* (a) Sweetened condensed milk is the liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.5 percent of milk fat. The quantity of refined sugar (sucrose) or combination of such sugar and refined corn sugar (dextrose) used is sufficient to prevent spoilage.

(b) For the purpose of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or the addition of concentrated sweet skim milk.

(3) Milk fat is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" Fourth Edition, 1935, page 281 [Ed. note, 6th edition, 1945, p. 326], under "Fat—Official"

§ 18.535 *Condensed milks which contain corn sirup; identity:* (a) Condensed milks which contain corn sirup are the foods each of which conforms to the definition and standard of identity prescribed for sweetened condensed milk by § 18.530 except that corn sirup or a mixture of corn sirup and sugar is used instead of sugar or a mixture of sugar and dextrose. For the purpose of this section the term "corn sirup" means a clarified and concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of such corn sirup contain not less than 40 percent by weight of reducing sugars, calculated as anhydrous dextrose.

(b) The name of each such food is:

(1) "Corn sirup condensed milk," "condensed milk with corn sirup," or "condensed milk prepared with corn sirup," if corn sirup alone is used; or

(2) "____% Corn sirup solids ____% sugar condensed milk", "condensed milk with ____% corn sirup solids ____% sugar," or "condensed milk prepared with ____% corn sirup solids ____% sugar," if a mixture of corn sirup and sugar is used, the blanks being filled in with the whole numbers nearest the actual percentages of corn sirup solids and sugar in such food; alternately "____% sugar" may precede "____% corn sirup solids" in such names.

§ 18.540 *Dried skim milk, powdered skim milk, skim milk powder; identity.* Dried skim milk, powdered skim milk, skim milk powder, is the food made by drying sweet skim milk. It contains not more than 5 percent of moisture, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" Fourth Edition, 1935, page 282 [Ed. note, 6th edition, 1945, p. 328], under the caption "Moisture—Tentative" The term "skim milk" as used herein means cow's milk from which the milk fat has been separated.

NOTE: Public Law 244, 78th Congress, approved March 2, 1944, provides a statutory definition for this food under the names: "Non-fat dry milk solids" and "defatted milk solids."

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

AUTHORITY: §§ 19.500 to 19.530 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371 (e).

NOTE: For findings of fact relating to §§ 19.500 to 19.530, see 6 F. R. 195, 7 F. R. 10755, and 13 F. R. 5422.

§ 19.500 *Cheddar cheese, cheese; identity.* (a) Cheddar cheese, cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of this section.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms.

(c) Determine moisture by the method prescribed on page 291 [Ed. note, 6th edition, p. 336] under "Moisture—Official" and milk fat by the method prescribed on page 291 [Ed. note, 6th edition, 1945, p. 337] under "Fat—Official" of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" Fourth Edition, 1935. Subtract the percent of moisture found from 100; divide the remainder into the percent of milk fat found; the quotient multiplied by 100 shall be considered to be the percent of milk fat contained in the solids.

(d) For the purposes of this section:
(1) The word "milk" means cow's milk.
(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

§ 19.505 *Washed curd cheese, soaked curd cheese; identity.* (a) Washed curd cheese, soaked curd cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms.

(c) For the purposes of this section:
(1) The word "milk" means cow's milk.
(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

§ 19.510 *Colby cheese; identity.* (a) Colby cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section. It contains not more than 40 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. A part of the whey is drained off and the curd is cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained, and pressed into forms.

(c) For the purposes of this section:
(1) The word "milk" means cow's milk.
(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

§ 19.515 *Cream cheese; identity; label statement of optional ingredients.* (a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Cream or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added, and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section, the term "milk" means sweet milk of cows, "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in cream cheese, the label shall bear the statement "_____ Added" or "With Added _____," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 *Neufchatel cheese; identity; label statement of optional ingredients.* (a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Milk or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or a mixture of concentrated milk with milk or with water not in excess of that removed when the milk was concentrated is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section the term "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "_____ Added" or "With Added _____", the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 *Cottage cheese; identity.* (a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (This method appears in the Sixth Edition, 1945, at page 336.)

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk solids. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of this section the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

§ 19.530 *Creamed cottage cheese, identity.* (a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed under "Moisture—Official" on page 301 [Ed. note, 6th edition, 1945, p. 336] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940.

(b) For the purposes of this section "milk" means sweet milk of cows and "skim milk" means milk from which the milk fat has been separated.

PART 27—CANNED FRUIT; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Sec.

AUTHORITY: §§ 27.0 to 27.42 issued under 52 Stat. 1046, 1055, 53 Stat. 1423, 54 Stat. 1234; 21 U. S. C. 341, 371 (e), 5 U. S. C. 133–133t.

NOTE: For findings of fact relating to §§ 27.0 to 27.42 see 4 F. R. 4922; 5 F. R. 95, 97, 100, 102, 105, 2400; 7 F. R. 1612, 5542, 6458, 10517; 12 F. R. 6907.

§ 27.0 *Canned peaches; identity; label statement of optional ingredients.* (a) Canned peaches is the food prepared from one of the optional peach ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar;

(4) Peach pits, except in the cases of peeled whole peaches and unpeeled whole peaches, in a quantity not more than 1 peach pit to each 8 ounces of finished canned peaches; and

(5) Peach kernels, except in the cases of peeled whole peaches and unpeeled whole peaches, and except when optional ingredient (4) is used.

Such food is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The optional peach ingredients referred to in paragraph (a) of this section are prepared from mature peaches of the yellow clingstone, yellow freestone, white clingstone, or white freestone varietal group, and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units prepared from each such varietal group is an optional peach ingredient. Each such ingredient, except in the case of peeled whole peaches and unpeeled whole peaches, is pitted. For the purpose of paragraph (e) of this section, the names of such optional peach ingredients are the words "Yellow Cling" or "Yellow Clingstone" "White Cling" or "White Clingstone" "Yellow Free" or "Yellow Freestone" or "White Free" or "White Freestone" as the case may be, preceded or followed by the word or words "Whole" "Unpeeled Whole", "Halves" or "Halved" "Unpeeled Halves", or "Unpeeled Halved" "Quarters" or "Quartered" "Slices" or "Sliced" "Dice" or "Diced" or "Mixed Pieces of Irregular Sizes and Shapes", as the case may be.

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) Water.
(2) Peach juice.
(3) Slightly sweetened water.
(4) Light sirup.
(5) Heavy sirup.
(6) Extra heavy sirup.
(7) Slightly sweetened peach juice.
(8) Light peach juice sirup.
(9) Heavy peach juice sirup.
(10) Extra heavy peach juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and peach juice; and the term "peach juice" means the fresh or canned expressed juice of mature peaches, of any varietal group specified in paragraph (b) of this section, to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6) inclusive, are prepared, and peach juice is the liquid ingredient from which packing media (7) to (10) inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: Sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with peach juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be

prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10) inclusive, as measured on the Brix hydrometer fifteen days or more after the peaches are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 14°
(4) and (8)	14° or more but less than 19°
(5) and (9)	19° or more but less than 24°
(6) and (10)	24° or more but not more than 35°

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional peach ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in". When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice" or, in lieu of the word "Spice" the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring" or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar" the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Peach Pits";

(5) "Seasoned with Peach Kernels"

When two or more of the optional ingredients specified in paragraph (a) (1) (2), (3) and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Peach Kernels"

Wherever the name "peaches" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

§ 27.1 *Canned peaches; quality; label statement of substandard quality.* (a) The standard of quality for canned peaches is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅗ ounce and 3/10 ounce, respectively;

(3) In the cases of whole peaches, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled peaches, there is present in the finished canned peaches not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole peaches, halves, quarters, and slices, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than one unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned peaches shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 5/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned peaches falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a), in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality_____," the blank to be filled in with the words specified after the corresponding number of each clause of paragraph (a) of this section which such canned peaches fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves," or "Small Quarters," as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peaches" and any words and statements required or authorized to appear with such name by § 27.0 (b)

§ 27.2 *Canned peaches; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peaches is the maximum quantity of the optional peach ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned peaches fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b), in the manner and form therein specified.

§ 27.3 *Canned peaches with rum, identity; label statement of optional ingredients.* Canned peaches with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned peaches by § 27.0, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.10 *Canned apricots; identity; label statement of optional ingredients.* (a) Canned apricots is the food prepared from one of the optional apricot ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar.

(4) Apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 8 ounces of finished canned apricots;

(5) Apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when optional ingredient (4) is used.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional apricot ingredients referred to in paragraph (a) of this section are prepared from mature apricots and are in the following forms of units: unpeeled whole, peeled whole, unpeeled halves, peeled halves, unpeeled quarters, peeled quarters, unpeeled slices, peeled slices, unpeeled mixed pieces of irregular sizes and shapes, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional apricot ingredient. Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted. For the purposes of paragraph (e) of this section, the names of such optional apricot ingredients are "Whole" "Halves" or "Halved" "Quarters" or Quartered", "Slices" or "Sliced" "Mixed Pieces of Irregular Sizes and Shapes" as the case may be, preceded or followed by "Unpeeled" or "Peeled" as the case may be.

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) Water.
(2) Apricot juice.
(3) Slightly sweetened water.
(4) Light sirup.
(5) Heavy sirup.
(6) Extra heavy sirup.
(7) Slightly sweetened apricot juice.
(8) Light apricot juice sirup.
(9) Heavy apricot juice sirup.
(10) Extra heavy apricot juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and apricot juice; and the term "apricot juice" means the fresh or canned expressed juice of mature apricots to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6) inclusive, are prepared, and apricot juice is the liquid ingredient from which packing media (7) to (10) inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with apricot juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the apricots are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 16°
(4) and (8)	16° or more but less than 21°
(5) and (9)	21° or more but less than 25°
(6) and (10)	25° or more but not more than 40°

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional apricot ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in" When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the labels shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring" the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Apricot Pits";

(5) "Seasoned with Apricot Kernels"

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Apricot Kernels"

Wherever the name "apricots" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the apricots may so intervene.

§ 27.11 *Canned apricots; quality; label statement of substandard quality.* (a) The standard of quality for canned apricots is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅖ ounce and ⅕ ounce, respectively;

(3) In the cases of whole apricots, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(5) In the cases of whole apricots, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(6) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than 1 unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned apricots shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 3/16 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center

of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned apricots falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality _____" the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned apricots fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves," or "Small Quarters" as the case may be; (3) "Mixed Sizes"; (4) "Blemished"; (5) "Unevenly Trimmed"; (6) "Partly Crushed or Broken" Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Apricots" and any words and statements required or authorized to appear with such name by § 27.10 (b)

§ 27.12 *Canned apricots; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned apricots is the maximum quantity of the optional apricot ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned apricots fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.13 *Canned apricots with rum, identity; label statement of optional ingredients.* Canned apricots with rum conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients, prescribed for canned apricots by § 27.10, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.20 *Canned pears; identity; label statement of optional ingredients.* (a) Canned pears is the food prepared from one of the optional pear ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring; and

(3) A vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional pear ingredients referred to in paragraph (a) of this section are prepared from mature pears and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional pear ingredient. Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored. For the purposes of paragraph (e) of this section, the respective names of such optional pear ingredients are "Whole" "Halves" or "Halved" "Quarters" or "Quartered" "Slices" or "Sliced" "Dice" or "Diced" "Mixed Pieces of Irregular Sizes and Shapes" preceded or followed in case the units are whole or halves and are unpeeled, by the word "Unpeeled"

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) Water.
(2) Pear juice.
(3) Slightly sweetened water.
(4) Light sirup.
(5) Heavy sirup.
(6) Extra heavy sirup.
(7) Slightly sweetened pear juice.
(8) Light pear juice sirup.
(9) Heavy pear juice sirup.
(10) Extra heavy pear juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and pear juice; and the term "pear juice" means the fresh or canned expressed juice of mature pears to which no water is added, directly or indirectly.

Each of packing media (3) to (10) inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6) inclusive, are prepared, and pear juice is the liquid ingredient from which packing media (7) to (10) inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10) inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10) inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with pear juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the pears are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 14°
(4) and (8)	14° or more but less than 18°
(5) and (9)	18° or more but less than 22°
(6) and (10)	22° or more but not more than 35°

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional pear ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice" the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring" the common name of the flavoring;

(3) "Seasoned with Vinegar" or Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon, Oil."

Wherever the name "pears" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene.

§ 27.21 *Canned pears; quality; label statement of substandard quality.* (a) The standard of quality for canned pears is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅜ ounce and 3/10 ounce, respectively;

(3) In the cases of whole pears, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled pears, there is present in the finished canned pears not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole pears, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 10 percent of the units in a container of 10 or more units, and not more than 1 unit in a container of less than 10 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned pears shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled remove the peel. The top of the receptacle is circular in shape of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 5/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned pears falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ——", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned pears fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves", or "Small Quarters" as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken" Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Pears" and any words and statements required or authorized to appear with such name by § 27.20 (b).

§ 27.22 *Canned pears; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned pears is the maximum quantity of the optional pear ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned pears fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.23 *Canned pears with rum; identity; label statement of optional ingredients.* Canned pears with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned pears by § 27.20, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.30 *Canned cherries; identity; label statement of optional ingredients.* (a) Canned cherries is the food prepared from one of the optional cherry ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional cherry ingredients referred to in paragraph (a) of this section are prepared from mature cherries of the red sour, light sweet, or dark sweet varietal group. Pitted cherries of each such group and unpitted cherries of each such group are an optional cherry ingredient. For the purposes of paragraph (e) of this section, the names of such optional cherry ingredients are the words "Red Sour" or "Red Tart", "Light Sweet" or "Dark Sweet" as the case may be, preceded or followed by the word "Pitted" in case such ingredients are pitted.

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) Water.
(2) Cherry juice.
(3) Slightly sweetened water.
(4) Light sirup.
(5) Heavy sirup.
(6) Extra heavy sirup.
(7) Slightly sweetened cherry juice.
(8) Light cherry juice sirup.
(9) Heavy cherry juice sirup.
(10) Extra heavy cherry juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and cherry juice; and the term "cherry juice" means the fresh or canned expressed juice of mature cherries, of any varietal group specified in paragraph (b) of this section, to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and cherry juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10) inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with cherry juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the cherries are canned, are within the range prescribed for each in the following list:

Number of packing medium:	
In case of sweet cherries:	*Brix measurement*
(3) and (7)	Less than 16°
(4) and (8)	16° or more but less than 20°
(5) and (9)	20° or more but less than 25°
(6) and (10)	25° or more but not more than 35°
In case of red sour cherries:	
(3) and (7)	Less than 18°
(4) and (8)	18° or more but less than 22°
(5) and (9)	22° or more but less than 28°
(6) and (10)	28° or more but not more than 45°

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional cherry ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice" or, in lieu of the word "Spice" the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar" the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil"

Wherever the name "cherries" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the cherries may so intervene.

§ 27.31 *Canned cherries; quality; label statement of substandard quality.* (a) The standard of quality for canned cherries is as follows:

(1) In the case of pitted cherries, not more than 1 pit is present in each 20 ounces of canned cherries, as determined by the method prescribed in paragraph (b) (1) of this section;

(2) In the case of unpitted cherries, the weight of each cherry in the container is not less than 1/10 ounce;

(3) In the case of unpitted cherries, the weight of the largest cherry in the container is not more than twice the weight of the smallest cherry therein;

(4) In the case of unpitted cherries, the total weight of pits is not more than 12 percent of the weight of drained cherries, as determined by the method prescribed in paragraph (b) (2) of this section; and

(5) Not more than 15 percent by count of the cherries in the container are blemished with scab, hail injury, discoloration, scar tissue, or other abnormality. A unit showing skin discoloration having an aggregate area not exceeding that of a circle 3/16 inch in diameter and not extending into the fruit tissue shall not be considered as blemished.

(b) (1) Pitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (a) (1) of this section:

Take at random such number of containers as to have a total quantity of contents of at least 24 pounds. Open the containers and weigh the contents. Count the pits and pieces of pit shell in such total quantity. Count a piece of pit shell equal to or smaller than one-half pit shell as one-half pit, and a piece of pit shell larger than one-half pit shell as one pit; but when two or more pieces of pit shell are within or attached to a single cherry, count such pieces as one-half pit if their combined size is equivalent to that of one-half pit shell or less, and as one pit if their combined size is equivalent to that of more than one-half pit shell. From the total number of pits so counted and the combined weight of the contents of all the containers, calculate the number of pits present in each 20 ounces of canned cherries.

(2) Unpitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (a) (4) of this section:

Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is No. 8 woven-wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. Without shifting the cherries, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained cherries. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained cherries. Pit the cherries and wash the pits free from adhering flesh. Drain and weigh the pits by the method prescribed above. Divide the weight of pits so found by the weight of drained cherries, and multiply by 100.

(c) If the quality of canned cherries falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality _____", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned cherries fail to meet, as follows: (1) "Partially Pitted"; (2) "Small"; (3) "Mixed Sizes"; (4) "Thin Fleshed"; (5) "Blemished." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Cherries" and any words and statements required or authorized to appear with such name by § 27.30 (b)

§ 27.32 *Canned cherries; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned cherries is the maximum quantity of the optional cherry ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient.

(b) If canned cherries fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b), in the manner and form therein specified.

§ 27.33 *Canned cherries with rum, identity; label statement of optional ingredients.* Canned cherries with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned cherries by § 27.30, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.40 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.* (a) Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, is the food prepared from the mixture of fruit ingredients prescribed in paragraph (b) of this section, in the forms and proportions therein prescribed, and one of the optional packing media specified in paragraph (c) of this section. It is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The fruit ingredients referred to in paragraph (a) of this section, the forms

of each, and the percent by weight of each in the mixture of drained fruit from the finished canned fruit cocktail are as follows:

(1) Peaches of any yellow variety, which are pitted, peeled, and diced, not less than 30 percent and not more than 50 percent;

(2) Pears of any variety, which are peeled, cored, and diced, not less than 25 percent and not more than 45 percent;

(3) Whole grapes of any seedless variety, not less than 6 percent and not more than 20 percent;

(4) Pineapples of any variety, which are peeled, cored, and cut into sectors or into dice, not less than 6 percent and not more than 16 percent; and

(5) One of the following optional cherry ingredients, each of which is stemmed, pitted, and cut into approximate halves, not less than 2 percent and not more than 6 percent;

(i) Cherries of any light, sweet variety;

(ii) Cherries artificially colored red; or

(iii) Cherries artificially colored red and artificially flavored.

Each such fruit ingredient is prepared from mature fruit which is fresh or canned. Notwithstanding the preceding provisions of this paragraph, each 4½ ounces avoirdupois of the finished canned fruit cocktail and each fraction thereof greater than 2 ounces avoirdupois contain not less than 2 sectors or 3 dice of pineapple and not less than 1 approximate half of the optional cherry ingredient.

(c) The optional packing media referred to in paragraph (a) of this section are as follows:

(1) Water.
(2) Fruit juice.
(3) Light sirup.
(4) Heavy sirup.
(5) Extra heavy sirup.
(6) Light fruit juice sirup.
(7) Heavy fruit juice sirup.
(8) Extra heavy fruit juice sirup.

Each of packing media (3), (4) and (5) is prepared with water as its liquid ingredient, and each of packing media (6), (7) and (8) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6) of this section, each of packing media (3) to (8), inclusive, is prepared with any one of the following saccharine ingredients: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which the weight of the solids of the dextrose used multiplied by 2, added to the weight of the solids of the corn sirup used multiplied by 3, is not more than the weight of the solids of the sugar used. The respective densities of packing media (3) to (8) inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (6)	14° or more but less than 18°
(4) and (7)	18° or more but less than 22°
(5) and (8)	22° or more but not more than 35°

(d) For the purposes of this section:

(1) The term "water" means, in addition to water, both the liquid drained from any fruit ingredient previously canned in water as its sole packing medium and any mixture of water and fruit juice, including the liquid drained from any fruit ingredient previously canned in such mixture.

(2) The term "fruit juice" means the fresh or canned, expressed juice or juices of one or more of the mature fruits named in paragraph (b) of this section including the liquid drained from any fruit ingredient previously canned in such juice or juices as its sole packing medium, to which no water has been added, directly or indirectly. Fruit juice may be strained or filtered.

(3) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous sirup of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(4) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(5) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of corn starch and includes dried corn sirup; the solids of corn sirup and dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup, it shall be considered to be light sirup, heavy sirup, or an extra heavy sirup, as the case may be, and not a light fruit juice sirup, heavy fruit juice sirup, or an extra heavy fruit juice sirup.

(7) The term "light sirup", "heavy sirup", or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup, or extra heavy sirup.

(8) Except as provided in subparagraph (6) of this paragraph, the term "light fruit juice sirup", "heavy fruit juice sirup", or "extra heavy fruit juice sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredients previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of light fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

(e) (1) The optional ingredients specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) to (8) of this section, inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

(2) Such names shall immediately and conspicuously, without intervening written, printed, or graphic matter, precede or follow the name "fruit cocktail" "cocktail fruits" or "fruits for cocktail" wherever it appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

§ 27.41 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; quality; label statement of substandard quality.* (a) The standard of quality for canned fruit cocktail is as follows:

(1) Not more than 20 percent by weight of the units in the container of peach or pear, or of pineapple if the units thereof are diced, are more than ¾ inch in greatest edge dimension, or pass through the meshes of a sieve designated as 5/16 inch in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the National Bureau of Standards, U. S. Department of Commerce. If the units of pineapple are in the form of sectors, not more than 20 percent of such sectors in the container fail to conform to the following dimensions: The length of the outside arc is not more than ¾ inch but is more than ⅜ inch; the thickness is not more than ½ inch but is more than 5/16 inch; the length (measured along the radius from the inside arc to the ouside arc) is not more than 1¼ inches but is more than ¾ inch.

(2) Not more than 10 percent of the grapes in a container containing ten grapes or more, and not more than one grape in a container containing less than ten grapes, is cracked to the extent of being severed into two parts or is crushed to the extent that their normal shape is destroyed.

(3) Not more than 10 percent of the grapes in a container containing ten grapes or more, and not more than one grape in a container containing less than ten grapes, has the cap stem attached.

(4) There is present in the finished canned fruit cocktail not more than one square inch of pear peel per each one pound of drained weight of units of pear plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of the units of pear bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.42.

(5) There is present in the finished canned fruit cocktail not more than one square inch of peach peel per each one pound of drained weight of units of peach plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of units of peach bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.42.

(6) Not more than 15 percent of the units of cherry ingredient; and not more than 20 percent of the units of peach, pear, or grape, in the container is blemished with scab, hail injury, scar tissue or other abnormality.

(7) If the cherry ingredient is artificially colored, the color of not more than 15 percent of the units thereof in a container containing more than six units, and of not more than one unit in a container containing six units or less, is other than evenly distributed in the unit or other than uniform with the color of the other units of the cherry ingredient.

(b) If the quality of canned fruit cocktail falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) in the manner and form therein specified.

§ 27.42 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned fruit cocktail is a fill such that the total weight of drained fruit is not less than 65 percent of the water capacity of the container, as determined by the general method for water capacity of containers prescribed in § 10.1 (a) Such total weight of drained fruit is determined by the following method:

Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(b) If canned fruit cocktail falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b), in the manner and form therein prescribed.

PART 29—FRUIT PRESERVES AND JELLIES; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

29.0 Preserves, jams; identity; label statement of optional ingredients.

29.5 Fruit jelly; identity; label statement of optional ingredients.

AUTHORITY: §§ 29.0 and 29.5 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 29.0 and 29.5, see 5 F. R. 3554, 3558.

§ 29.0 *Preserves, jams; identity; label statement of optional ingredients.* (a) The preserves or jams for which definitions and standards of identity are prescribed by this section are the viscous or semi-solid foods each of which is made from a mixture composed of not less than 45 parts by weight (see paragraph (c) of this section) of one of the fruit ingredients specified in paragraph (b) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, of any, of the natural pectin content of the fruit ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid or any combination of these, in a quantity reasonably necessary as a preservative.

Such mixture, with or without added water, is concentrated by heat to such point that the soluble solids content of the finished preserve is not less than 68 percent if the fruit ingredient is specified in Group I of paragraph (b) of this section, and not less than 65 percent if the fruit ingredient is specified in Group II of paragraph (b) of this section. The soluble solids content is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" Fourth Edition, page 320 [Ed. note, 6th edition, p. 383], under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Tentative", except that no correction is made for water-insoluble solids.

(b) The fruit ingredients referred to in paragraph (a) of this section are the following mature, properly prepared fruits which are fresh, frozen, and/or canned:

GROUP I

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry, and youngberry).
Elderberry.
Grape.
Grapefruit.
Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow tomato.
Youngberry.

Any combination of two, three, four, or five of such fruits in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

GROUP II

Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach.
Pear.
Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

Any combination of two, three, four, or five of such fruits, or one or more of such fruits with one or more of the individual fruits specified in Group I, in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

Any combination of two, three, four, two, three, or four of the individual fruits specified in this group or Group I in which the weight of each is not less than one-fifth, and the weight of apple is not more than one-half, of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

In any combination of two, three, four, or five fruits, each such fruit is an optional ingredient. For the purposes of this section, the word "fruit" includes the vegetables specified in this paragraph.

(c) Any requirement of this section with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:

(1) The weight of fruit exclusive of the weight of any sugar, water, or other substance added for any processing or packing or canning, or otherwise added to such fruit;

(2) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores, or other parts, the weight of such fruit exclusive of the weight of all such substances removed therefrom; and

(3) In the cases of apricots, cherries, grapes, nectarines, peaches, and all varieties of plums, whether or not pits and seeds are removed therefrom, the weight of such fruit exclusive of the weight of such pits and seeds.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2)

(4) Any combination composed of corn sugar or dextrose and optional saccharine ingredient (1), (2), or (3)

(5) Any combination composed of corn sirup and optional saccharine ingredient (1) (2) (3) or (4), in which the

weight of the solids of each component is not less than one-tenth of the weight of the solids of each combination and the weight of corn sirup solids is not more than one-half of the weight of the solids of such combination.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1) (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose)

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sugar" means refined anhydrous or hydrated dextrose made from cornstarch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each preserve or jam for which a definition and standard of identity is prescribed by this section is as follows:

(1) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam," preceded or followed by the name or synonym whereby such fruit is designated in paragraph (b) of this section.

(2) If the fruit ingredient is a combination of two, three, four, or five fruits, the name is "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "Spiced" or the statement "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "Sodium Benzoate" or "Benzoic Acid," or "Sodium Benzoate and Benzoic Acid," as the case may be, followed by the words "Added as Preservative."

(3) When optional saccharine ingredient (d) (5) or (d) (7) is present, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such names shall be preceded by the words "Prepared with"

(4) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "Prepared with Honey"

(5) When the fruit ingredient is a combination of two, three, four, or five fruits and the preserve is designated on its label by the name "Preserve" or "Jam" preceded or followed by the words "Mixed Fruit" the label shall bear the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(6) Wherever the name specified in paragraph (f) of this section appears on the label of the preserve so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such preserve may so intervene.

§ 29.5 *Fruit jelly; identity; label statement of optional ingredients.* (a) The jellies for which definitions and standards of identity are prescribed by this section are the jelled foods each of which is made from a mixture composed of not less than 45 parts by weight (as determined by the method prescribed in paragraph (b) of this section) of one or any combination of two, three, four, or five of the fruit juice ingredients specified in paragraph (c) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid, or any combination of these, in a quantity reasonably necessary as a preservative.

(6) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple, or two or all of such fruits.

Such mixture is concentrated by heat to such point that the soluble solids content of the finished jelly is not less than 65 percent, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, page 464 [Ed. note, 6th edition, p. 558], under "By means of a refractometer—Official"

(b) Any requirement of this section with respect to the weight of any fruit juice ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method: Determine the percent of soluble solids in such fruit juice ingredient by the method for soluble solids referred to in paragraph (a) of this section; multiply the percent so found by the weight of such fruit juice ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit juice ingredient prescribed in paragraph (c) of this section. The result is the weight of the fruit juice ingredient.

(c) Each of the fruit juice ingredients referred to in paragraph (a) of this section is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen and/or canned:

Name of fruit:	*Factor referred to in par. (b)*
Apple	7.5
Apricot	7.0
Blackberry (other than dewberry)	10.0
Black raspberry	9.0
Cherry	7.0
Crabapple	6.5
Cranberry	9.5
Damson, damson plum	7.0
Dewberry (other than boysenberry, loganberry, and youngberry)	10.0
Fig	5.5
Gooseberry	12.0
Grape	7.0
Grapefruit	11.0
Greengage, greengage plum	7.0
Guava	13.0
Loganberry	9.5
Orange	8.0
Peach	8.5
Pineapple	7.0
Plum (other than damson, greengage, and prune)	7.0
Pomegranate	5.5
Quince	7.5
Raspberry, red raspberry	9.5
Red currant, currant (other than black currant)	9.5
Strawberry	12.5
Youngberry	10.0

In any combination of two, three, four, or five of such fruit juice ingredients the weight of each is not less than one-fifth of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of corn sugar or dextrose and optional saccharine ingredient (1) (2) or (3)

(5) Any combination composed of corn sirup and optional saccharine ingredient (1) (2), (3), or (4) in which the weight of the solids of each component is not less than one-tenth of the weight of the solids of such combination and the weight of corn sirup solids is not more than one-half of the weight of the solids of such combination.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1) (2) or (3) in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) for the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose)

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sugar" means refined anhydrous or hydrated dextrose made from corn starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each jelly for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the jelly is made with a single fruit juice ingredient, the name is "Jelly" preceded or followed by the name or synonym whereby the fruit from which such fruit juice ingredient was extracted is designated in paragraph (c) of this section.

(2) In case the jelly is made with a combination of two, three, four, or five fruit juice ingredients, the name is "Jelly" preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby the fruits from which the fruit juice ingredients were extracted are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "Spiced" or the statement "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "Sodium Benzoate" or "Benzoic Acid" or "Sodium Benzoate and Benzoic Acid" as the case may be, followed by the words "Added as Preservative"

(3) When optional ingredient (a) (6) is used, the label shall bear the statement "Flavoring and Artificial Coloring Added" or "With Added Flavoring and Artificial Coloring"; the word "Flavoring" in such statement may be preceded by the word "Mint"

(4) When optional saccharine ingredient (d) (5) or (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weight of such components in the combination. Such names shall be preceded by the words "Prepared with"

(5) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "Prepared with Honey"

(6) When a combination of two, three, four, or five fruit juice ingredients is used, and the jelly is designated on its label by the word "Jelly" preceded or followed by the words "Mixed Fruit" the label shall bear the names or synonyms whereby such fruits are designated in paragraph (c) of this section, in the order of the predominance, if any, of the weights of such fruit juice ingredients in the combination.

(7) Wherever the name specified in paragraph (f) of this section appears on the label of the jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such jelly may so intervene.

PART 30—FRUIT BUTTERS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTE: For findings of fact relating to § 30.0, see 5 F. R. 3561.

§ 30.0 *Fruit "butter" identity; label statement of optional ingredients.* (a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semi-solid foods each of which is made from a mixture composed of not less than five parts by weight (as determined by the method prescribed in paragraph (b) (1) of this section) of one or any combination of two, three, four, or five of the optional fruit ingredients specified in paragraph (c) of this section to each two parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section, except that the use of such saccharine ingredient is not required when optional ingredient (5) is used. Such mixture may be seasoned with one or more of the following optional ingredients:

(1) Spice.

(2) Flavoring (other than artificial flavoring)

(3) Salt.

(4) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these.

Such mixture may also contain the optional ingredient:

(5) Fruit juice or diluted fruit juice or concentrated fruit juice in a quantity not less than one-half the weight of the optional fruit ingredient.

Such mixture is concentrated by heat to such point that the soluble solids content of the finished fruit butter is not less than 43 percent as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, page 320 [Ed. note, 6th edition, p. 383], under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Tentative" except that no correction is made for water-insoluble solids.

(b) (1) Any requirement of this section with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method:

Determine the percent of soluble solids in the optional fruit ingredient by the method prescribed for determining soluble solids in paragraph (a) of this section; multiply the percent so found by the weight of such ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or any other added solids; and multiply the remainder by the factor for such ingredient prescribed in paragraph (c) of this section. The result is the weight of the optional fruit ingredient.

(2) For the purposes of this section, the weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient (a) (5)) from a fruit specified in paragraph (c) of this section is the weight of such juice as determined by the method prescribed in paragraph (b) (1) of this section, except that the percent of soluble solids is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" Fourth Edition, page 464 [Ed. note, 6th edition, p. 558], under "By means of a refractometer—Official"; the weight of diluted or concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(c) Each of the optional fruit ingredients referred to in paragraph (a) of this section is prepared by cooking one of the following fresh, frozen, canned, and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

Name of fruit:	*Factor referred to in par. (b) (1)*
Apple	7.5
Apricot	7.0
Grape	7.0
Peach	8.5
Pear	6.5
Plum (other than prune)	7.0
Prune	7.0
Quince	7.5

In any combination of two, three, four, or five fruit ingredients, the weight of each is not less than one-fifth of the weight of the combination.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Brown sugar.

(4) Invert brown sugar sirup.

(5) Honey.

(6) Corn sirup.

(7) Any combination composed of two or more of optional saccharine ingredients (1) (2) (3), (4) (5), and (6), but if honey is a component the weight of its solids is not less than two-fifths of the weight of the solids of such combination.

(8) Any combination composed of corn sugar or dextrose and optional saccharine ingredient (1), (2), (3), (4), (5),

(6) or (7) but if honey is a component the weight of its solids is not less than two-fifths of the weight of the solids of such combination.

If honey or corn sirup is a component of any combination used as optional saccharine ingredient (7) or (8), the weight of the solids of each component (other than honey) is not less than one-tenth of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "invert brown sugar sirup" means a sirup made by inverting or partly inverting brown sugar.

(5) The term "corn sugar" means refined anhydrous or hydrated dextrose made from cornstarch.

(6) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the fruit butter is made from a single fruit ingredient the name is "Butter" preceded by the name whereby such fruit is designated in paragraph (c) of this section.

(2) In case the fruit butter is made from a combination of two, three, four, or five fruit ingredients, the name is "Butter" preceded by the words "Mixed Fruit" or by the names whereby such fruits are designated in paragraph (c) of this section in the order of predominance, if any, of the weight of such fruit ingredients in the combination.

(g) (1) When optional ingredient (a) (1) of this section is used, the label shall bear the word "Spiced" or the statement "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (2) of this section is used, the label shall bear the statement "Flavoring Added" or "With Added Flavoring"; the word "Flavoring" in such statements may be preceded by the common name of the kind of flavoring used.

(3) When optional ingredient (a) (5) of this section is used, the label shall bear the words "Prepared With _____ Juice", the blank to be filled in with the name of the fruit from which the juice is obtained; but if apple juice is used the word "Cider" may be used in lieu of "Apple Juice"

(4) When optional saccharine ingredient (d) (5) or (6) of this section is used, the label shall bear the statement "Prepared With Honey" or "Prepared With Corn Sirup" as the case may be.

(5) When corn sirup or honey or both are components of any combination used as an optional saccharine ingredient, the label shall bear the statement "Prepared With _____", the blank to be filled in with the names whereby the components of such combination are designated in paragraph (d) of this section, in the order of predominance, if any, by weight of such components in the combination.

(6) When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "Prepared From" or "Prepared in Part From" as the case may be, followed by the word "Evaporated" or "Dried" followed by the name whereby such fruit is designated in paragraph (c) of this section. When two or more such optional fruit ingredients are used, such names, each preceded by the word "Evaporated" or "Dried", shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(7) When a combination of two, three, four, or five optional fruit ingredients is used, and the fruit butter is designated on its label by the name "Mixed Fruit Butter" the label shall bear the names whereby the fruits from which such ingredients are prepared are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such ingredients in the combination.

(8) The label statements required by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "Cinnamon Oil and Cloves Added" The label statements required by two or more of subparagraphs (3), (4), (5), (6), and (7) of this paragraph may be combined, as for example, "Prepared with Cider, Apples, Dried Prunes, and Corn Sirup"

(9) Wherever the name specified in paragraph (f) of this section appears on the label of the fruit butter so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section showing the optional ingredients used shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such fruit butter may so intervene. (52 Stat. 1046, 1055: 21 U. S. C. 341, 371).

PART 36—SHELLFISH; DEFINITIONS AND STANDARDS OF IDENTITY; FILL OF CONTAINER

CANNED SHRIMP

AUTHORITY: §§ 36.3 to 36.22 issued under 52 Stat. 1046, 1047, and 1055; 21 U. S. C. 341 and 371, except as noted following provision affected.

NOTE: For findings of fact relating to §§ 36.3 to 36.22 see 7 F. R. 4944; 9 F. R. 14003; 11 F. R. 9333; 13 F. R. 1337, 1333, 1503, 4963.

CANNED SHRIMP

§ 36.3 *Canned wet pack shrimp and canned dry pack shrimp in nontransparent containers; fill of containers; label statement of substandard fill.* (a) The standard of fill of nontransparent containers for canned wet pack shrimp is a fill such that the cut-out weight of shrimp taken from each can is not less than 64 percent of the water capacity of the container, and, for canned dry pack shrimp (except that packed in the nontransparent cylindrical container which is $2\frac{11}{16}$ inches in diameter and 4 inches in height) is a fill such that the cut-out weight of shrimp taken from each can is not less than 60 percent of the water capacity of the container. The standard of fill for canned dry pack shrimp packed in the nontransparent cylindrical container which is $2\frac{11}{16}$ inches in diameter and 4 inches in height is a cut-out weight of not less than $6\frac{1}{2}$ avoirdupois ounces of shrimp for each container. Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter. Cut-out weight is determined by the following method:

Keep the unopened canned shrimp container at a temperature of not less than 68° nor more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute the shrimp evenly over the meshes of a

circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained shrimp. The weight so found, less the weight of the sieve, shall be considered to be the cut-out weight of the shrimp.

(b) If canned wet pack shrimp or canned dry pack shrimp, in nontransparent containers, falls below the applicable standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill provided in § 10.2 (b) in the manner and form therein specified. (52 Stat. 1046, 1047, 53 Stat. 561, 21 U. S. C. 341, 345, 5 U. S. C. 133–133r)

CANNED OYSTERS

§ 36.5 *Canned oysters; identity; label statement of optional ingredients.* (a) Canned oysters is the food prepared from one or any mixture of two or all of the forms of oysters specified in paragraph (b) of this section, and a packing medium of water, or the watery liquid draining from oysters before or during processing, or a mixture of such liquid and water. The food may be seasoned with salt. It is sealed in containers and so processed by heat as to prevent spoilage.

(b) The forms of oysters referred to in paragraph (a) of this section are prepared from oysters which have been removed from their shells and washed and which may be steamed while in the shell or steamed or blanched or both after removal therefrom, and are as follows:

(1) Whole oysters with such broken pieces of oysters as normally occur in removing oysters from their shells, washing, and packing.

(2) Pieces of oysters obtained by segregating pieces of oysters broken in shucking, washing, or packing whole oysters.

(3) Cut oysters obtained by cutting whole oysters.

(c) (1) When the form of oysters specified in paragraph (b) (1) is used, the name of the food is "Oysters" or "Cove Oysters," if of the species Ostrea virginica, "Pacific Oysters," if of the species Ostrea gigas; "Olympia Oysters," if of the species Ostrea lurida.

(2) When the form of oysters specified in paragraph (b) (2) is used, the name of the food is "Pieces of _____," the blank being filled in with the name "Oysters" or "Cove Oysters," if of the species Ostrea virginica; "Pacific Oysters," if of the species Ostrea gigas; "Olympia Oysters," if of the species Ostrea lurida.

(3) When the form of oysters specified in paragraph (b) (3) is used, the name of the food is "Cut _____," the blank being filled in with the name "Oysters" or "Cove Oysters," if of the species Ostrea virginica; "Pacific Oysters," if of the species Ostrea gigas; "Olympia Oysters," if of the species Ostrea lurida.

(4) In case a mixture of two or all such forms of oysters is used, the name is a combination of the names specified in this paragraph of the forms of oysters used, arranged in order of their predominance by weight.

§ 36.6 *Canned oysters; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned oysters is a fill such that the drained weight of oysters taken from each container is not less than 59 percent of the water capacity of the container.

(b) Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter.

(c) Drained weight is determined by the following method:

Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute its contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8) " in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the sieve, shall be considered to be the drained weight of the oysters.

(d) If canned oysters fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter in the manner and form therein specified, followed by the statement, "A can of this size should contain _____ oz. of oysters. This can contains only _____ oz.," the blanks being filled in with the applicable figures.

RAW OYSTERS

§ 36.10 *Oysters, raw oysters, shucked oysters; identity.* (a) Oysters, raw oysters, shucked oysters, are the class of foods each of which is obtained by shucking shell oysters and preparing them in accordance with the procedure prescribed in paragraph (b) of this section. The name of each such food is the name specified in the applicable definition and standard of identity prescribed in §§ 36.11 to 36.22, inclusive.

(b) If water, or salt water containing less than 0.75 percent salt, is used in any vessel into which the oysters are shucked, the combined volume of oysters and liquid when such oysters are emptied from such vessel is not less than four times the volume of such water or salt water. Any liquid accumulated with the oysters is removed. The oysters are washed, by blowing or otherwise, in water or salt water, or both. The total time that the oysters are in contact with water or salt water after leaving the shucker, including the time of washing, rinsing, and any other contact with water or salt water is not more than thirty minutes. In computing the time of contact with water or salt water, the length of time that oysters are in contact with water or salt water that is agitated by blowing or otherwise, shall be calculated at twice its actual length. Any period of time that oysters are in contact with salt water containing not less than 0.75 percent salt before contact with oysters, shall not be included in computing the time that the oysters are in contact with water or salt water. Before packing into the containers for shipment or other delivery for consumption the oysters are thoroughly drained and are packed without any added substance.

(c) For the purposes of this section:

(1) "Shell oysters" means live oysters of any of the species, Ostrea virginica, Ostrea gigas, Ostrea lurida, in the shell, which after removal from their beds, have not been floated or otherwise held under conditions which result in the addition of water.

(2) "Thoroughly drained" means one of the following:

(i) The oysters are drained on a strainer or skimmer which has an area of not less than 300 square inches per gallon of oysters, drained, and has perforations of at least ¼ of an inch in diameter and not more than 1¼ inches apart, or perforations of equivalent areas and distribution. The oysters are distributed evenly over the draining surface of the skimmer and drained for not less than five minutes; or

(ii) The oysters are drained by any method other than that prescribed by subdivision (i) of this subparagraph whereby liquid from the oysters is removed so that when the oysters are tested within 15 minutes after packing by draining a representative gallon of oysters on a skimmer of the dimensions and in the manner described in subdivision (i) of this subparagraph for two minutes, not more than 5 percent of liquid by weight is removed by such draining.

§ 36.11 *Extra large oysters, oysters counts (or plants) extra large raw oysters, raw oysters count (or plants), extra large shucked oysters, shucked oysters counts (or plants), identity.* Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants) extra large shucked oysters, shucked oysters counts (or plants), are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than 44 oysters.

§ 36.12 *Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity.* Large

oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 160 oysters but not more than 210 oysters; a quart of the smallest oysters selected therefrom contains not more than 58 oysters, and a quart of the largest oysters selected therefrom contains more than 36 oysters.

§ 36.13 *Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.* Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 210 oysters, but not more than 300 oysters; a quart of the smallest oysters selected therefrom contains not more than 83 oysters, and a quart of the largest oysters selected therefrom contains more than 46 oysters.

§ 36.14 *Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.* Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards, are of the species Ostrea virginica and conform to the definition and standards of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 300 oysters but not more than 500 oysters; a quart of the smallest oysters selected therefrom contains not more than 138 oysters and a quart of the largest oysters selected therefrom contains more than 68 oysters.

§ 36.15 *Very small oysters, very small raw oysters, very small shucked oysters; identity.* Very small oysters, very small raw oysters, very small shucked oysters, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 500 oysters, and a quart of the largest oysters selected therefrom contains more than 112 oysters.

§ 36.16 *Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity.* Olympia oysters, raw Olympia oysters, shucked Olympia oysters, are of the species Ostrea lurida and conform to the definition and standard of identity prescribed for oysters in § 36.10.

§ 36.17 *Pacific oysters size 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint; identity.* Pacific oysters size 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed by oysters by § 36.10 and are of such size that one gallon contains less than 65 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.18 *Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint; identity.* Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 64 and not more than 80 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.19 *Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint; identity.* Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 80 and not more than 96 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.20 *Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint; identity.* Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 96 and not more than 120 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.21 *Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint; identity.* Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 120 and not more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.22 *Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint; identity.* Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 144 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

PART 42—EGGS AND EGG PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

AUTHORITY: §§ 42.0 to 42.60 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to Part 42, see 4 F. R. 3375–3378.

§ 42.0 *Eggs.*—No regulation shall be promulgated, fixing and establishing a reasonable definition and standard of identity for the food commonly known as eggs.

§ 42.10 *Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs; identity.* Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs, are eggs of the domestic hen, broken from the shells, and with yolks and whites in their natural proportions as so broken. They may be mixed, or mixed and strained.

§ 42.20 *Frozen eggs, frozen whole eggs, frozen mixed eggs; identity.* Frozen eggs, frozen whole eggs, frozen mixed eggs, are the food prepared by freezing liquid eggs.

§ 42.30 *Dried eggs, dried whole eggs; identity.* Dried eggs, dried whole eggs, are the food prepared by drying liquid eggs. They may be powdered. They contain not less than 92 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 6th edition, 1945, p. 345], under "Total Solids."

§ 42.40 *Egg yolks, liquid egg yolks, yolks, liquid yolks; identity.* Egg yolks, liquid egg yolks, yolks, liquid yolks, are yolks of eggs of the domestic hen so separated from the whites thereof as to contain not less than 43 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 6th edition, 1945, p. 345–346], under "Total Solids." They may be mixed, or mixed and strained.

§ 42.50 *Frozen yolks, frozen egg yolks; identity.* Frozen yolks, frozen egg yolks, are the food prepared by freezing egg yolks.

§ 42.60 *Dried egg yolks, dried yolks; identity.* Dried egg yolks, dried yolks, are the food prepared by drying egg yolks. They contain not less than 95 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 6th edition, 1945, p. 345–346], under "Total Solids."

PART 45—OLEOMARGARINE; DEFINITION AND STANDARD OF IDENTITY

NOTE: For findings of fact relating to § 45.0, see 6 F. R. 2762.

§ 45.0 *Oleomargarine; identity; label statement of optional ingredients.* (a) Oleomargarine is the plastic food prepared with one or more of the optional fat ingredients named under one of the following subparagraphs (1) (2), (3), or (4) of this paragraph:

(1) The rendered fat, or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles.

(2) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles.

(3) Any combination of ingredients named under subparagraphs (1) and (2) of this paragraph in such proportion that the weight of the ingredients named under subparagraph (1) either equals the weight of the ingredients named under subparagraph (2), or exceeds such weight by a ratio not greater than 9 to 1.

(4) Any combination of ingredients named under subparagraphs (1) and (2) of this paragraph in such proportion that the weight of the ingredients named under subparagraph (2) exceeds the weight of the ingredients named under subparagraph (1) by a ratio not greater than 9 to 1.

One of the five following articles is intimately mixed with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters: (i) cream, (ii) milk, (iii) skim milk, (iv) any combination of dried skim milk and water in which the weight of the dried skim milk is not less than 10 percent of the weight of the water, or (v) any mixture of two or more of these. (The term "milk" as used in this subparagraph means cow's milk.) Congealing is effected, either with or without contact with water, and the congealed mixture may be worked. In the preparation of oleomargarine one or more of the following optional ingredients may also be used:

(5) Artificial coloring.

(6) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.

(7) Vitamin A, added as fish liver oil or as a concentrate of Vitamin A from fish liver oil (with any accompanying Vitamin D and with or without added Vitamin D concentrate) in such quantity that the finished oleomargarine contains not less than 9,000 United States Pharmacopoeia Units of Vitamin A per pound.

(8) The artificial flavoring diacetyl added as such, or as starter distillate, or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.

(9) (i) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (ii) monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iii) such monoglycerides and diglycerides in combination with the sodium sulfo-acetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iv) a combination of subdivisions (i) and (ii) of this subparagraph in which the amount of neither exceeds that above stated, or (v) a combination of subdivisions (i) and (iii) in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine. (The weight of diglycerides in each of ingredients (ii), (iii) (iv) and (v) is calculated at one-half actual weight.)

(10) Butter.

(11) Salt.

The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" 4th Edition, 1935, page 289, or 5th Edition, 1940, page 298 [Ed. note, 6th edition, 1945, p. 334], under "Indirect Method—Official"

(b) When any ingredient named under one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall, except as provided in this paragraph, bear the statement set forth below after the number of such subparagraph:

Subparagraph (1) "Prepared from Animal Fat", or "Made from Animal Fat"

Subparagraph (2) "Vegetable" or "Prepared from Vegetable Fat" or "Made from Vegetable Fat"

Subparagraph (3) "Prepared from Animal and Vegetable Fats" or "Made from Animal and Vegetable Fats"

Subparagraph (4) "Prepared from Vegetable and Animal Fats", or "Made from Vegetable and Animal Fats"

Subparagraph (5) "Artificially Colored" or "Artificial Coloring Added" or "With Added Artificial Coloring"

Subparagraph (6) "Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') Added as a Preservative" or "With Added Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') as a Preservative"

Subparagraph (7) "Vitamin A Added" or "With Added Vitamin A"

Subparagraph (8) "Artificially Flavored" or "Artificial Flavoring Added", or "With Added Artificial Flavoring"

Where oil is used, the word "oil" may be substituted for "fat" in the label statement. In lieu of the word "animal" or "vegetable" in any such statement, the common or usual name of the fat ingredient may be used. If two or more of the optional ingredients named in paragraph (a) (5), (6) (7) and (8) of this section are used, the words "added" or "with added" need appear only once, either at the beginning or end of the list of such ingredients declared. The declaration of vitamin A may include the number of United States Pharmacopoeia units which have been added.

Whenever the name "oleomargarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section showing ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter. (52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PEAS

Sec.
51.0 Identity; label statement of optional ingredients.
51.1 Quality; label statement of substandard quality.
51.2 Fill of container; label statement of substandard fill.

CANNED BEANS

51.10 Canned green beans; identity; label statement of optional ingredients.
51.11 Canned green beans; quality; label statement of substandard quality.
51.15 Canned wax beans; identity; label statement of optional ingredients.
51.16 Canned wax beans; quality; label statement of substandard quality.

AUTHORITY: §§ 51.0 to 51.16 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

CANNED PEAS

NOTE: For findings of fact relating to §§ 51.0 to 51.2, see 5 F. R. 739, 741 7 F. R. 9918; 12 F. R. 950.

§ 51.0 *Identity; label statement of optional ingredients.* (a) Canned peas is the food prepared from one of the following optional pea ingredients:

(1) Shelled, succulent peas (*Pisum sativum*) of Alaska or other smooth skin varieties.

(2) Shelled, succulent peas (*Pisum sativum*) of sweet, wrinkled varieties.

(3) Shelled, dried peas (*Pisum sativum*) of Alaska or other smooth skin varieties.

(4) Shelled, dried peas (*Pisum sativum*) of sweet, wrinkled varities.

(b) To one such optional pea ingredient water is added.

(c) The following optional ingredients may be used:

(1) Salt.
(2) Sugar.
(3) Dextrose.
(4) Spice.
(5) Flavoring.
(6) Artificial coloring.

and in case optional pea ingredient (1) or (2) is used,

(7) Sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide, or magnesium carbonate or any mixture or combination of them in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

(d) The food may be seasoned with one or more of the following optional seasonings:

(1) Green peppers.
(2) Mint leaves.
(3) Onions.
(4) Garlic.
(5) Horseradish.

(e) The food is sealed in a container and so processed by heat as to prevent spoilage.

(f) (1) The label shall name the optional pea ingredient present by the use of the word or words "Early" or "June" or "Early June" "Sweet" or "Sweet Wrinkled" or "Sugar" "Dried Early" or "Dried June" or "Dried Early June" "Dried Sweet" or "Dried Sweet Wrinkled" or "Dried Sugar"

(2) If spice is present, the label shall bear the word or words "Spiced" or "With Added Spice" or "Spice Added"

(3) If flavoring is present, the label shall bear the words "With Added Flavoring" or "Flavoring Added"

(4) If artificial coloring is present, the label shall state that fact in such manner and form as is provided in the regulation promulgating a standard of quality for canned peas.

(5) If an optional seasoning ingredient is used, the label shall bear the words "Seasoned with Green Peppers" "Seasoned with Mint Leaves" "Seasoned with Onions" "Seasoned with Garlic" or "Seasoned with Horseradish" as the case may be.

(6) If one or more of the optional ingredients named in paragraph (c) (7) of this section is used the label shall bear the statement "Traces of _____ Added" the blank to be filled in with the names of the ingredients used; but in lieu of such statement the label may bear the statement "Traces of Alkalis Added"

(7) Wherever the name "Peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene.

§ 51.1 *Quality; label statement of substandard quality.* (a) The standard of quality for canned peas is as follows:

(1) Not more than 4 percent by count of the peas in the container are spotted or otherwise discolored;

(2) Standard canned peas are normally colored, not artificially colored;

(3) The combined weight of pea pods and other harmless extraneous vegetable material is not more than one-half of 1 percent of the drained weight of peas in the container;

(4) The weight of pieces of peas is not more than 10 percent of the drained weight of peas in the container;

(5) The skins of not more than 25 percent by count of the peas in the container are ruptured to a width of 1/10 inch or more;

(6) Not less than 90 percent by count of the peas in the container are crushed by a weight of not more than 907.2 grams (2 pounds) and

(7) The alcohol-insoluble solids of Alaska or other smooth skin varieties of peas in the container, is not more than 23.5 percent, and of sweet, wrinkled varieties, not more than 21 percent.

(b) Canned peas shall be tested by the following methods to determine whether or not they meet the requirements of paragraph (a) of this section:

(1) After determining the fill of the container as prescribed in § 51.2 (a), distribute the contents of the container over the meshes of a circular sieve made with No. 8 woven-wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves" published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. Without shifting the peas, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, remove the peas from the sieve and weigh them. Such weight shall be considered to be the drained weight of the peas.

(2) From the drained peas obtained in subparagraph (1) of this paragraph, promptly segregate and weigh the pea pods and other harmless extraneous vegetable material, and the pieces of peas.

(3) From the drained peas obtained in subparagraph (1) of this paragraph, take at random a subdivision of 100 to 150 peas, and count them. Immediately cover these peas with a portion of the liquid obtained in subparagraph (1) of this paragraph, and add the remaining liquid to the drained peas from which the subdivision was taken. Count those peas in the subdivision which are spotted or otherwise discolored, and also those peas the skins of which are ruptured to a width of 1/10 inch or more.

(4) Immediately after each pea is examined by the method prescribed in subparagraph (3) of this paragraph, test it by removing its skin, placing one of its cotyledons, with flat surface down, on the approximate center of the level, smooth surface of a rigid plate, lowering a horizontal disc to the highest point of the cotyledon, and measuring the height of the cotyledon. The disc is of rigid material and is affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc is a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod, and device to 100 grams. After measuring the height of the cotyledon, and shifting the plate, if necessary, so that the cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to one-fourth its previously measured height, or until the combined weight of disc, rod, and device is 907.2 grams (2 pounds). A pea so tested shall be considered to be crushed when its cotyledon is pressed to one-fourth its original height.

(5) Drain the liquid from the peas which remained after taking the subdivision as prescribed in subparagraph (3) of this paragraph. Transfer the peas to a pan, and rinse them with a volume of water equal to twice the capacity of the container from which such peas were drained in subparagraph (1) of this paragraph. Immediately drain the peas again by the method prescribed in subparagraph (1) of this paragraph. After the 2 minutes' draining, wipe the moisture from the bottom of the sieve. Comminute the peas thus drained, stir them to a uniform mixture, and weigh 20 grams of such mixture into a 600 cc. beaker. Add 300 cc. of 80 percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend 1/2 inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° Centigrade, covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° Centigrade. Place the cover on the dish, cool it in a desiccator, and promptly weigh. From this weight, subtract the weight of the dish, cover, and paper, as previously found. The weight in grams thus obtained, multiplied by 5, shall be considered to be the percent of alcohol-insoluble solids.

(c) If the quality of canned peas falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality when the quality of canned peas falls below the standard in only one respect, the label may bear the alternative statement "Below Standard in Quality _____ _____," the blank to be filled in with the words specified after the corresponding subparagraph number of paragraph (a) of this section which such canned peas fail to meet, as follows: (1) "Excessive Discolored Peas;" (2) "Artificially Colored;" (3) "Excessive Foreign Material;" (4) "Excessive Broken Peas;" (5) "Excessive Cracked Peas;" (6) "Not Tender;" (7) "Excessively Mealy." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peas" and any words and statements required or authorized to appear with such name by § 51.0 (b).

§ 51.2 *Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peas is a fill such that, when the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to the level 3/32 inch

vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to the level ½ inch vertical distance below the top of the container.

(b) If canned peas fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

CANNED BEANS

NOTE: For findings of fact relating to §§ 51.10 to 51.16, see 13 F. R. 3724, 3725.

§ 51.10 *Canned green beans; identity; label statement of optional ingredients.* (a) Canned green beans is the food prepared from stemmed, succulent pods of the green-bean plant, and water. It may be seasoned with salt, sugar, or dextrose, or any two or all of these. The pods are prepared in one or more of the following forms:

(1) Whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length. There may be present such broken pieces of pods as normally occur in the commercial packing of such product.

(2) Pods sliced lengthwise.

(3) Pods cut transversely into pieces less than 2¾ inches in length but not less than ¾ inch in length, with or without shorter end pieces resulting therefrom.

(4) Pieces of pods of which not less than 75 percent by count are less than ¾ inch in length and not more than 1 percent by count are more than 1¼ inches in length.

Any such form is an optional ingredient. Mixtures of two or more optional ingredients may be used. The food is sealed in a container and so processed by heat as to prevent spoilage.

(b) (1) When optional ingredient specified in paragraph (a) (1) of this section is used the label shall bear the word "Whole." If the pods are packed parallel to the sides of the container the word "Whole" shall be preceded or followed by the words "Vertical Pack," except that when the pods are cut at both ends and are of substantially equal lengths, the words "Asparagus Style" may be used in lieu of the words "Vertical Pack."

(2) When optional ingredient specified in paragraph (a) (2) of this section is used the label shall bear the words "Sliced Lengthwise" or "French Style."

(3) When optional ingredient specified in paragraph (a) (3) of this section is used the label shall bear the word "Cut" or "Cuts."

(4) When optional ingredient specified in paragraph (a) (4) of this section is used the label shall bear the words "Short Cut" or "Short Cuts" or "_____ Inch Cut" or "_____ Inch Cuts," the blank to be filled in with the fraction of an inch which denotes the approximate length of the pieces.

(5) When a mixture of two or more of the optional ingredients specified in paragraphs (a) (1) to (a) (4) inclusive, of this section, is used the label shall bear the statement "Mixture of _____," the blank to be filled in with the combination of the names "Whole," "Sliced Lengthwise," "Cut," or "Cuts," and "Short Cut" or "Short Cuts," designating the optional ingredients present, and arranged in the order of predominance, if any, by weight of such ingredients.

(c) Wherever the name "Green Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless," where the beans are in fact stringless, and (3) the description of the green beans as "Stringless," which may also be used between the words "Green" and "Beans," where the beans are in fact stringless.

§ 51.11 *Canned green beans; quality; label statement of substandard quality.* (a) The standard of quality of canned green beans is as follows:

When tested by the method prescribed in paragraph (b) of this section:

(1) In the case of cut beans (§ 51.10 (a) (3)) and mixtures of two or more of the optional ingredients specified in § 51.10 (a) (1) to (a) (4) inclusive, not more than 60 units per 12 ounces drained weight are less than ½ inch long; *Provided,* That where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent by count of the total units are less than ½ inch long.

(2) The trimmed pods contain not more than 25 percent by weight of seed and pieces of seed.

(3) In case there are present pods or pieces of pods 27/64 inch or more in diameter, there are not more than 12 strings per 12 ounces of drained weight which will support ½ pound for 5 seconds or longer.

(4) The deseeded pods contain not more than 0.15 percent by weight of fibrous material.

(5) There are not more than 8 percent by count of blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ⅛ inch in diameter.

(6) There are not more than 6 unstemmed units per 12 ounces of drained weight.

(7) The combined weight of loose seed and pieces of seed is not more than 5 percent of the drained weight. This provision does not apply in case the green-bean ingredient is pods sliced lengthwise (§ 51.10 (a) (2))

(8) The combined weight of leaves, detached stems, and other extraneous vegetable matter is not more than 0.6 ounce per 60 ounces drained weight.

(b) Canned green beans shall be tested by the following method to determine whether they meet the requirements of paragraph (a) of this section.

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count the total number of units. For the purpose of this count, loose seed, pieces of seed, loose stems, and extraneous material are not to be included. Divide the number of units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of units per 12 ounces drained weight.

(3) Examine the drained material in the tray, counting and recording the number of blemished units, number of unstemmed units, and, in case the material consists of the optional ingredient specified in paragraph (a) (3) of this section or a mixture of two or more of the optional ingredients specified in § 51.10 (a) (1) to (4) inclusive, count and record the number of units which are less than ½ inch long. If the number of units per 12 ounces is 240 or less, divide the number of units which are less than ½ inch long by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of such units per 12 ounces drained weight. If the number of units per 12 ounces exceeds 240, divide the number of units less than ½ inch long by the total number of units and multiply by 100 to determine the percentage by count of the total units which are less than ½ inch long.

Divide the number of blemished units by the total number of units in the container and multiply by 100 to obtain the percentage by count of blemished units in the container.

Divide the number of unstemmed units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of unstemmed units per 12 ounces of drained weight.

(4) Except in the case of pods sliced lengthwise, remove the loose seed and pieces of seed, weigh and record weight and return to tray. Divide the weight of loose seed and pieces of seed by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 100 to obtain the percentage by weight of loose seed and pieces of seed in the drained material.

(5) Remove from the tray the extraneous vegetable material, weigh, record weight, and return to tray.

(6) Remove from the tray one or more representative samples of 3½ to 4 ounces, covering each sample as taken to prevent

evaporation. If the tray includes pods or pieces of pods 27/64 inch or more in diameter, weigh and record weight in ounces of each representative sample.

(7) From each representative sample selected in subparagraph (6) of this paragraph discard any loose seed and extraneous vegetable material and detach and discard any attached stems. Except with optional ingredient specified in § 51.10 (a) (2) (pods sliced lengthwise) trim off, as far as the end of the space formerly occupied by the seed, any portion of pods from which seed have become separated. Remove and discard any portions of seed from the trimmings and reserve the trimmings for subparagraph (9) of this paragraph. Weigh and record the weight of the trimmed pods. Deseed the trimmed pods and reserve the deseeded pods for subparagraph (9) of this paragraph. If the original container contained pods 27/64 inch or more in diameter, remove strings from the pods during the deseeding operation. Reserve these strings for testing as prescribed in subparagraph (8) of this paragraph. Collect the seed on a sieve of mesh fine enough to retain them, and so distribute them that any liquid drains away. Weigh the seed, divide by the weight of the trimmed pods, and multiply by 100 to obtain the percentage by weight of seed in the trimmed pods.

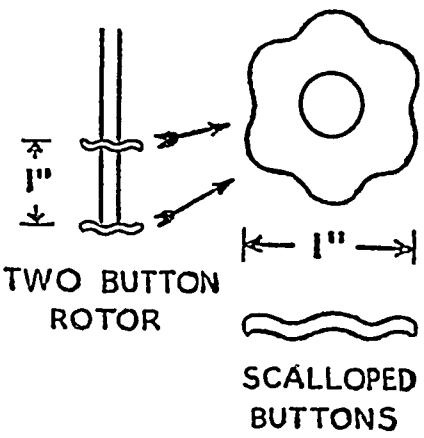
In the case of pods sliced lengthwise remove seed and pieces of seed and reserve the deseeded pods for use as prescribed in subparagraph (9) of this paragraph.

(8) If strings have been removed for testing, as prescribed in subparagraph (7) of this paragraph, test them as follows:

Fasten clamp, weighted to ½ pound, to one end of the string, grasp the other end with the fingers (a cloth may be used to aid in holding the string) and lift gently. Count the string as tough if it supports the ½-pound weight for at least 5 seconds. If the string breaks before 5 seconds, test such parts into which it breaks as are ½ inch or more in length and if any such part of the string supports the ½-pound weight for at least 5 seconds count the string as tough. Divide the number of tough strings by the weight of the sample recorded in subparagraph (6) of this paragraph and multiply by 12 to obtain the number of tough strings per 12 ounces drained weight.

(9) Combine the deseeded pods with the trimmings reserved in subparagraph (7) of this paragraph, and, if strings were tested as prescribed in subparagraph (8) of this paragraph, add such strings, broken or unbroken. Weigh and record weight of combined material. Transfer to the metal cup of a malted-milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water. Bring mixture nearly to a boil, add 25 cc. of 50 percent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, 1 cc. of capryl alcohol may be added.) Boil for 5 minutes, then stir for 5 minutes with a malted-milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1.

EXHIBIT 1



Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 3½ to 4 inches and side walls about 1 inch high, and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube 3 inches long and ⅛ inch inside diameter inserted into a rubber tube of ¼ inch inside diameter. Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphthalein solution, does not show any red color after standing 5 minutes. Again wash to remove phenolphthalein. Dry the screen containing the fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of combined deseeded pods, trimmings, and strings and multiply by 100 to obtain the percentage of fibrous material.

(10) If the drained weight recorded in subparagraph (1) of this paragraph was less than 60 ounces, open and examine separately for extraneous material, as directed in subparagraph (5) of this paragraph, additional containers until a total of not less than 60 ounces of drained material is obtained. To determine the combined weight of extraneous vegetable material per 60 ounces of drained weight, total the weights of extraneous vegetable material found in all containers opened, divide this sum by the sum of the drained weights in these containers and multiply by 60.

(c) If the quality of the canned green beans falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified, but in lieu of the words prescribed for the second line inside the rectangle the following words may be used, when the quality of canned green beans falls below the standard in one only of the following respects:

(1) "Excessive Number Very Short Pieces," if the canned green beans fail to meet the requirements of paragraph (a) (1) of this section.

(2) "Excessive Number Blemished Units," if they fail to meet the requirements of paragraph (a) (5) of this section.

(3) "Excessive Number Unstemmed Units," if they fail to meet the requirements of paragraph (a) (6) of this section.

(4) "Excessive Foreign Material," if they fail to meet the requirement of paragraph (a) (8) of this section.

§ 51.15 *Canned wax beans; identity; label statement of optional ingredients.* (a) Canned wax beans conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for canned green beans by § 51.10 (a) and (b) except that it is prepared from stemmed, succulent pods of the wax-bean plant.

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (a) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless" where the beans are in fact stringless, and (3) the description of the wax beans as "Stringless," which may also be used between the words "Wax" and "Beans," where the beans are in fact stringless.

§ 51.16 *Canned wax beans; quality; label statement of substandard quality.* (a) The standard of quality for canned wax beans is that prescribed for canned green beans by § 51.11 (a) and (b).

(b) If the quality of canned wax beans falls below the standard of quality prescribed by paragraph (a) of this section the label shall bear the statement of substandard quality in the manner and form specified in § 51.11 (c) for canned green beans.

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

CROSS REFERENCE: For regulations relating to canned peas and canned green and wax beans, see Part 51 of this chapter.

NOTE: For findings of fact relating to § 52.990, see 5 F. R. 806, 2399.

§ 52.990 *Canned vegetables; identity; label statement of optional ingredients.* (a) The canned vegetables for which definitions and standards of identity are prescribed by this section are those named in column I of the table set forth in paragraph (b) of this section. The vegetable ingredient in each such canned vegetable is obtained by proper preparation from the succulent vegetable prescribed in column II of such table. If two or more forms of such ingredient are designated in column III of such table, the vegetable in each such form is an optional ingredient.

(b) The table referred to in paragraph (a) of this section is as follows:

I Name or synonym of canned vegetable	II Source	III Optional forms of vegetable ingredient
Artichokes	Flower buds of the artichoke plant	Whole; half or halves or halved; whole hearts; halved hearts; quartered hearts.
Asparagus	Edible portions of sprouts of the asparagus plant, as follows:	
	Three and three-quarter inches or more of upper end.	Stalks or spears.
	Three and three-quarter inches or more of peeled upper end.	Peeled stalks or peeled spears.
	Not less than two and three-quarter inches but less than three and three-quarter inches of upper end.	Tips.
	Less than two and three-quarter inches of upper end.	Points.
	Sprouts cut in pieces	Cut stalks or cut spears.
	Sprouts from which the tip has been removed, cut in pieces.	Bottom cuts or cuts—tips removed.
Bean sprouts	Sprouts of the Mung bean.	
Shelled beans	Seed shelled from green or wax bean pods, with or without snaps (pieces of immature unshelled pods).	
Lima beans or butter beans	Seed shelled from the pods of the lima bean plant.	
Beets	Root of the beet plant	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Beet greens	Leaves, or leaves and immature root, of the beet plant.	
Broccoli	Heads of the broccoli plant.	
Brussels sprouts	Sprouts of the brussels sprouts plant.	
Cabbage	Cut pieces of the heads of the cabbage plant.	
Carrots	Root of the carrot plant	Do.
Cauliflower	Cut pieces of the head of the cauliflower plant.	
Celery	Stalks of the celery plant	Cut; hearts.
Collards	Leaves of the collard plant.	
White sweet corn or White corn or White sugar corn	Seed cut from ears of white sweet corn	Whole grain or whole kernel.
	Seed cut and scraped from ears of white sweet corn.	Cream style or crushed.
	Ears of white sweet corn	On cob.
Yellow sweet corn or Yellow corn or Yellow sugar corn or Golden corn or Golden sugar corn or Golden sweet corn	Seed cut from ears of yellow sweet corn.	Whole grain or whole kernel.
	Seed cut and scraped from ears of yellow sweet corn.	Cream style or crushed.
	Ears of yellow sweet corn	On cob.
Field corn	Seed cut from ears of field corn	Whole grain or whole kernel.
	Seed cut and scraped from ears of field corn.	Cream style or crushed.
Dandelion greens	Leaves of the dandelion plant.	
Kale	Leaves of the kale plant.	
Mushrooms	Cap and stem of the mushroom	Buttons; whole; slices or sliced; pieces and stems.
Mustard greens	Leaves of the mustard plant.	
Okra	Pods of the okra plant	Whole; cut.
Onions	Bulb of the onion plant	Do.
Parsnips	Root of the parsnip plant	Whole; quarters or quartered; slices or sliced; cut; shoestring or French style or julienne.
Black-eye peas or black-eyed peas.	Seed shelled from pods of the black-eye pea plant, with or without snaps (pieces of immature unshelled pods).	
Field peas	Seed shelled from pods of the field pea plant (other than the black-eye pea plant), with or without snaps (pieces of immature unshelled pods).	
Green sweet peppers	Green pods of the sweet pepper plant	Whole; halves or halved; pieces.
Red sweet peppers	Red-ripe pods of the sweet pepper plant.	
Pimientos or pimentos	Red-ripe pods of the pimiento, or pimento, pepper plant.	Do.
Potatoes	Tuber of the potato plant	Whole; slices or sliced; dice or diced; pieces; shoestring or French style or julienne.
Sweetpotatoes	Tuber of the sweetpotato plant	Whole; pieces; mashed.
Rutabagas	Root of the rutabaga plant	Whole; quarters or quartered; slices or sliced; dice or diced; cut.
Salsify	Root of the salsify plant.	
Spinach	Leaves of the spinach plant.	
Swiss chard	Leaves of the Swiss chard plant.	
Truffles	Fruit of the truffle.	
Turnip greens	Leaves of the turnip plant.	
Turnips	Root of the turnip plant	Do.

(c) To the vegetable ingredient water is added; except that pimientos may be canned with or without added water, and sweetpotatoes in mashed form are canned without added water, and asparagus may be canned with added water, asparagus juice, or a mixture of both. For the purpose of this section asparagus juice is the clear, unfermented liquid expressed from the washed and heated sprouts or parts of sprouts of the asparagus plant; mixtures of asparagus juice and water are considered to be water when such mixtures are used as a packing medium for canned asparagus. In the case of artichokes, citric acid or a vinegar is added in such quantity as to reduce the pH of the finished canned vegetable to 4.5 or below. The following optional ingredients, in the cases of the vegetables specified, may be added:

(1) Citric acid or a vinegar, in the cases of all vegetables (except artichokes in which such ingredient is necessary) in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

(2) An edible vegetable oil, in the cases of artichokes and pimientos.

(3) Starch, in the cases of white sweet corn (cream style or crushed form) and yellow sweet corn (cream style or crushed form), in a quantity not more than sufficient to insure smoothness.

(4) Snaps, in the cases of shelled beans, black-eye peas, and field peas.

In the cases of all vegetables one or more of the following optional seasoning ingredients may be added in a quantity sufficient to season the food:

(5) Salt.
(6) A vinegar.
(7) Spice.
(8) Refined sugar (sucrose)
(9) Refined corn sugar (dextrose)

The food is sealed in a container and so processed by heat as to prevent spoilage.

(d) The name of each canned vegetable for which a definition and standard of identity is prescribed by this section is the name or any synonym thereof whereby such vegetable is designated in Column I of the table in paragraph (b) of this section.

(e) If two or more forms of the vegetable are specified in Column III of the table in paragraph (b) of this section, the label shall bear the specified word or words, or in case synonyms are so specified, one of such synonyms, showing the form of the vegetable ingredient present.

(f) (1) If optional ingredient (c) (2) is present, the label shall bear the statement "_____ Oil Added" or "With Added _____ Oil" (the blank to be filled in with the common or usual name of the oil) If optional ingredient (c) (3) is present, the label shall bear the statement "Starch Added to Insure Smoothness" If optional ingredient (c) (4) is present, the label shall bear the statement "With Snaps"

(2) If optional seasoning ingredient (c) (6) is present, the label shall bear the statement "Seasoned with Vinegar" or "Seasoned With _____ Vinegar" (the blank to be filled in with the common or usual name of the vinegar) If optional seasoning ingredient (c) (7) is present, the label shall bear the statement "Spice Added" or "With Added Spice"

(3) If a vinegar, spice, and edible vegetable oil, or any two of these are present, the label may bear, in lieu of the statements herein prescribed showing the presence of such ingredients, a combination of such statements, as for example, "With Added Cider Vinegar, Spice, and Olive Oil"

(4) If asparagus juice is used as a packing medium in canned asparagus, the label shall bear the statement "Packed in Asparagus Juice"

(g) Wherever the name of the vegetable appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in paragraphs (e) and (f) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the vegetable may so intervene. (52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

AUTHORITY: §§ 53.0 to 53.42 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 53.0 to 53.42, see 4 F. R. 3321, 3454; 5 F. R. 2283.

§ 53.0 *Tomato juice; identity.* Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

§ 53.5 *Yellow tomato juice; identity.* Yellow tomato juice is the unconcentrated liquid extracted from mature tomatoes of yellow varieties. It conforms, in all other respects, to the definition and standard of identity for tomato juice prescribed in § 53.0.

§ 53.10 *Catsup, ketchup, catchup; identity; label statement of optional ingredients.* (a) Catsup, ketchup, catchup, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and is seasoned with sugar or a mixture of sugar and dextrose (refined corn sugar) salt, a vinegar or vinegars, spices or flavoring or both, and onions or garlic or both. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) When optional ingredient specified in paragraph (a) (2) of this section, is present, in whole or in part, the label shall bear the statement "Made From _____" (or "Made in Part From _____," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From _____" (or "Made in Part From _____," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From _____" (or "Made in Part From _____," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Catsup," "Ketchup," or "Catchup" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements specified in this paragraph showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.20 *Tomato puree, tomato pulp; identity; label statement of optional ingredients.* (a) Tomato puree, tomato pulp, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.37 percent, but less than 25.00 percent, of salt-free tomato solids, as determined by the following method:

Determine total solids by the method prescribed on page 499 [Ed. note, 6th edition, p. 595] under "Total Solids—Tentative," and sodium chloride by the method prescribed on page 500 [Ed. note, 6th edition, 1945, p. 596. Title changed to "Sodium Chloride Method I—Official."] under "Sodium Chloride—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "made from _____" (or "Made in Part From _____," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From _____" (or "Made in Part From _____," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From _____" (or "Made in Part From _____," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Tomato Puree" or "Tomato Pulp" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.30 *Tomato paste; identity; label statement of optional ingredients.* (a) Tomato paste is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with one or more of the optional ingredients:

(4) Salt.
(5) Spice.
(6) Flavoring.

It may contain, in such quantity as neutralizes a part of the tomato acids, the optional ingredient:

(7) Baking soda.

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 25.00 percent of salt-free tomato solids, as determined by the following method:

Determine total solids by the method prescribed on page 499 [Ed. note, 6th edition, p. 595] under "Total Solids—Tentative," and sodium chloride by the method prescribed on page 500 [Ed. note, 6th edition, 1945, p. 596, Method I] under "Sodium Chloride—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "Made From _____" (or "Made in Part From _____," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From _____," (or "Made in Part From _____," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such

ingredients are present, such statements may be combined in the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." When optional ingredient specified in paragraph (a) (5) or (6) of this section is present the label shall bear the statement or statements, "Spice Added" or "With Added Spice," "Flavoring Added" or "With Added Flavoring," as the case may be. When optional ingredient specified in paragraph (a) (7) of this section is present, the label shall bear the statement "Baking Soda Added." If two or all of the optional ingredients specified in paragraph (a) (5), (6) and (7) of this section are present, such statements may be combined, as for example, "Spice, Flavoring, and Baking Soda Added." In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomato Paste" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.40 *Canned tomatoes; identity; label statement of optional ingredients.* (a) Canned tomatoes are mature tomatoes of red or reddish varieties which are peeled and cored and to which may be added one or more of the following optional ingredients:

(1) The liquid draining from such tomatoes during or after peeling and coring.

(2) The liquid strained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid strained from mature tomatoes of such varieties.

(4) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but in no case such that the amount of the calcium contained in such salts is more than 0.026 percent of the weight of the finished canned tomatoes.

It may be seasoned with one or more of the optional ingredients:

(5) Salt.

(6) Spices.

(7) Flavoring.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, the label shall bear the statement "With Added Strained Residual Tomato Material from Preparation for Canning" When optional ingredient specified in paragraph (a) (3) of this section is present, the label shall bear the statement "With Added Strained Tomatoes" When one or more of the optional ingredients specified in paragraph (a) (4) of this section is present the label shall bear the statement "Trace of ------ Added" or "With Added Trace of ------", the blank being filled in with the words "Calcium Salt" or "Calcium Salts" as the case may be or with the name or names of the particular calcium salt or salts added. When optional ingredient specified in paragraph (a) (6) or (7) of this section is present, the label shall bear the statement or statements "Spice Added" or "With Added Spice" "Flavoring Added" or "With Added Flavoring" as the case may be. If two or more of optional ingredients specified in paragraph (a) (2) (3) (6), and (7) of this section are present, such statements may be combined, as for example "With Added Strained Tomatoes, Residual Tomato Material from Preparation for Canning, Spice and Flavoring" In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomatoes" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.41 *Canned tomatoes; quality; label statement of substandard quality.* (a) The standard of quality for canned tomatoes is as follows:

(1) The drained weight, as determined by the method prescribed in paragraph (b) (1) of this section, is not less than 50 percent of the weight of water required to fill the container, as determined by the general method for water capacity of containers prescribed in § 10.1 (a) of this chapter;

(2) The strength and redness of color as determined by the method prescribed in paragraph (b) (2) of this section, is not less than that of the blended color of any combination of the color discs described in such method, in which one-third the area of disc 1, and not more than one-third the area of disc 2, is exposed;

(3) Peel, per pound of canned tomatoes in the container, covers an area of not more than 1 square inch; and

(4) Blemishes, per pound of canned tomatoes in the container, cover an area of not more than one-fourth square inch.

(b) Canned tomatoes shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) and (2) of this section.

(1) Remove lid from container, but in the case of a container with lid attached by double seam, do not remove or alter the height of the double seam. Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The meshes of such sieve are made by so weaving wire of 0.054-inch diameter as to form square openings 0.446 inch by 0.446 inch. Without shifting the tomatoes, so incline the sieve as to facilitate drainage of the liquid. Two minutes from the time drainage begins, weigh the sieve and drained tomatoes. The weight so found, less the weight of the sieve, shall be considered to be the drained weight.

(2) Remove from the sieve the drained tomatoes obtained in subparagraph (1) of this paragraph. Cut out and segregate successively those portions of least redness until 50 percent of the drained weight, as determined under subparagraph (1) of this paragraph, has been so segregated. Comminute the segregated portions to a uniform mixture without removing or breaking the seeds. Fill the mixture into a black container to a depth of at least 1 inch. Free the mixture from air bubbles, and skim off or press below the surface all visible seeds. Compare the color of the mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following concentric Munsell color discs of equal diameter, or the color equivalents of such discs:

(i) Red—Munsell 5 R 2.6/13 (glossy finish)

(ii) Yellow—Munsell 2.5 YR 5/12 (glossy finish)

(iii) Black—Munsell N 1/ (glossy finish)

(iv) Grey—Munsell N 4 (mat finish)

(c) If the quality of canned tomatoes falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ------" the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned tomatoes fail to meet, as follows: (1) "Excessively Broken Up"; (2) "Poor Color" (3) "Excessive Peel"; (4) "Excessive Blemishes." If such canned tomatoes fail to meet both (3) and (4), the words "Excessive Peel and Blemishes" may be used instead of the words specified after the corresponding numbers of such clauses. Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Tomatoes" and any statements required or authorized to appear with such name by § 53.40 (b)

§ 53.42 *Canned tomatoes; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned tomatoes is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.1 (b) of this chapter.

(b) If canned tomatoes fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

[SEAL] J. DONALD KINGSLEY,
Acting Federal Security Administrator

OCTOBER 19, 1948.

[F. R. Doc. 48-9571; Filed, Oct. 20, 1948; 8:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter D—Multifamily Rental Housing Insurance

PART 532—ADMINISTRATIVE RULES UNDER SECTION 207 OF THE NATIONAL HOUSING ACT

ELIGIBILITY FOR INSURANCE

In § 532.4 (b) as published in 13 F. R. 5041, the reference to § 532.16 appearing therein, is hereby corrected to read "§ 532.17"

Issued at Washington, D. C., October 26, 1948.

[SEAL] FRANKLIN D. RICHARDS,
Federal Housing Commissioner

[F. R. Doc. 48-9568; Filed, Oct. 29, 1948; 8:50 a. m.]

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 47]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, item 321, is amended to describe the Counties in the Defense-Rental Area as follows: "In Webb County, the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo."

This decontrols all of the Laredo Defense-Rental Area, State of Texas except the City of Laredo and the surrounding Area within a ten mile radius of the Webb County Court House in said City of Laredo.

2. Schedule A, item 129, is amended to describe the Counties in the Defense-Rental Area as follows: "Rapides Parish"

This decontrols Beauregard Parish in the Alexandria-Leesville Defense-Rental Area, State of Louisiana.

(Sec. 204 (d) 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d) Applies sec. 204 (c) 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 30, 1948.

Issued this 27th day of October 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 47 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of the Laredo Defense-Rental Area, State of Texas, which is outside the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo, no longer exists due to the fact that the demand for rental housing accommodations has reasonably been met.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in Beauregard Parish, a portion of the Alexandria-Leesville Defense-Rental Area, State of Louisiana, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said portions of said Defense-Rental Areas in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9567; Filed, Oct. 29, 1948; 8:49 a. m.]

[1] 13 F. R. 5706, 5783, 5788, 5789, 5877, 5937, 6246.

[Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 47]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

Schedule A, item 321, is amended to describe the Counties in the Defense-Rental Area as follows: "In Webb County, the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo."

This decontrols all of the Laredo Defense-Rental Area, State of Texas, except the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d) Applies sec. 204 (c) 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 30, 1948.

Issued this 27th day of October 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 47 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of the Laredo Defense-Rental Area, State of Texas, which is outside the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo, no longer exists due to the fact that the demand for rental housing accommodations has reasonably been met.

This amendment is therefore being issued to decontrol said portion of said Defense-Rental Area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9566; Filed, Oct. 29, 1948; 8:49 a. m.]

[1] 13 F. R. 5750, 5769, 5875, 5937, 5938, 6247.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR 48-53]

DISTRESS SIGNALS

The revised regulations for distress signals and specifications for distress signals were published in the FEDERAL REGISTER dated October 31, 1947, 12 F. R. 7072 et seq., and these regulations provided that distress signals not bearing the date of manufacture shall not be carried after January 1, 1949, and that distress signals meeting revised Coast Guard specifications be manufactured.

The purpose of these amendments to the regulations regarding distress signals is to allow an additional alternate to existing requirements and to publish the minimum standard specification for hand orange smoke distress signals.

The regulations shall become effective thirty days after the date of publication in the FEDERAL REGISTER since these regulations allow the marine industry greater latitude in equipment required. These amendments to the regulations regarding distress signals are published without prior general notice of their proposed issuance for the reason that notice, public rule making procedure, and effective date requirements in connection therewith are hereby found to be impracticable and contrary to the public interest. This emergency is due to the fact that the effective date for furnishing distress signals under the new specifications in 46 CFR 160.022 as published in the FEDERAL REGISTER October 31, 1947, should not be further postponed since no floating smoke signals have been submitted by manufacturers, whereas hand orange smoke signals which would comply with the new specification in 46 CFR 160.037 below have been tested and found operationally satisfactory as suitable alternate signals. In order to have available to tank vessel operators an additional source from which to obtain distress signals meeting Coast Guard specifications on or before January 1, 1949, I find that it is not practicable to publish proposed regulations and hold hearings as required by R. S. 4417a, as amended, 46 U. S. C. 391a, prior to the promulgation of the regulations applicable to Tank Vessels in 46 CFR 33.3-1, and 160.037-1 to 160.037-7.

Any person who may feel aggrieved by the promulgation of these regulations may appeal therefrom to the Commandant (CMC) United States Coast Guard, Washington 25, D. C., in writing within fifteen days from date of publication of this document in the FEDERAL REGISTER. The written appeal shall be presented in triplicate and shall include data and

views as to why the regulations shall not be amended. All matters presented in writing within the prescribed time shall be given due consideration and action thereon will be taken before the effective date of the regulations.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, as amended, 46 U. S. C. 375, and section 101 of Reorganization Plan No. 3 of 1946, 11 F R. 7875, as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

EQUIPMENT; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.3–1 (e) is amended to read as follows:

§ 33.3–1 *Tank ship lifeboat equipment; ocean and coastwise—T/OC.* * * *

(e) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after January 1, 1949. (For specifications for the above signals, see subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q of this chapter.)

(R. S. 4417a, sec. 5 (e) 55 Stat. 244, as amended, 46 U. S. C. 391a, 50 U. S. C. 1275)

Subchapter G—Ocean and Coastwise General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.11 (e) is amended to read as follows:

§ 59.11 *Lifeboat equipment.* * * *

(e) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after January 1, 1949. (For specifications for the above signals, see subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q of this chapter.)

(R. S. 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 489, 1333, 50 U. S. C. 1275)

Section 59.52 (a) is amended to read as follows:

§ 59.52 *Equipment for life rafts.* * * *

(a) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress; signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after January 1, 1949. (For specifications for the above signals, see subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q of this chapter.)

(R. S. 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 489, 1333, 50 U. S. C. 1275)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

1. Section 60.9 (e) is amended to read as follows:

§ 60.9 *Lifeboat equipment.* (See § 59.11 of this chapter, as amended, which is identical with this section.)

2. Section 60.45 (a) is amended to read as follows:

§ 60.45 *Equipment for life rafts.* (See § 59.52 of this chapter, as amended, which is identical with this section.)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

Part 160 is amended by a new subpart 160.037, reading as follows:

SUBPART 160.037—SIGNALS, DISTRESS, SMOKE, ORANGE, HAND, FOR MERCHANT VESSELS

Sec.

AUTHORITY: §§ 160.037–1 to 160.037–7, issued under R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875.

SUBPART 160.037—SIGNALS, DISTRESS, SMOKE, ORANGE, HAND, FOR MERCHANT VESSELS

§ 160.037–1 *Applicable specifications and plans*—(a) *Specifications.* There are no other specifications applicable to this subpart.

(b) *Plan.* The following plan, of the issue in effect on the date hand orange smoke distress signals are manufactured, forms a part of this specification:

Drawing No. 160.021–6 (a)—Container for hand red flare distress signals.

§ 160.037–2 *Type.* (a) Hand orange smoke distress signals specified by this subpart shall be of one type which shall consist essentially of a wooden handle to which is attached a tubular casing having a sealing plug at the handle end, the casing being filled with a smoke producing composition and fuse with button of ignition material at the top, and a removable cap having a friction striking material on its top which may be exposed for use by pulling a tear strip. The signal is ignited by scraping the friction striker on top of the cap against the igniter button on top of the body of the signal. Alternate arrangements which conform to the performance requirements of this specification will be given special consideration.

§ 160.037–3 *Materials, workmanship, construction, and performance requirements*—(a) *Materials.* The materials shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. The color of the tube shall be orange. The combustible materials shall be of such nature as will not deteriorate during long storage, nor when subjected to frigid or tropical climates, or both.

(b) *Workmanship.* Hand orange smoke distress signals shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability. Moisture proof coatings shall be applied uniformly and shall be free from pinholes or other visible defects which would impair their usefulness.

(c) *Construction.* The casing shall be fitted and secured to the handle with not less than a one-inch overlap and shall be attached to the handle in such a manner that failure of the joint will not occur during tests, ignition, or operation. The plug shall be securely affixed in the casing to separate the smoke composition from the wooden handle. The smoke composition shall be thoroughly mixed and be uniformly compressed throughout to preclude variations of density which may adversely affect uniformity of its smoke emitting characteristics. The cap shall have a lap fit of not less than one inch over the end of the casing and smoke composition to entirely and securely protect the exposed surface of the igniter button and end of smoke composition and casing, and shall have an inner shoulder so constructed that it is mechanically impossible for the inner surface of the cap to come in contact with the igniter button. The cap shall be securely attached to the casing in such manner as to preclude its accidental detachment. The cap shall be provided on its top with a friction striking material which shall, by a pull of the tear strip, be entirely exposed for striking the friction igniter button. The igniter button shall be nonwater soluble or be protected from moisture by a coating of some waterproof substance, and shall be raised or exposed in such manner as to provide positive ignition by the friction striker. The igniter button shall be firmly secured in or on the top of the smoke composition; the arrangement shall be such that the ignition will be transmitted to the smoke producing composition. The as-

sembled signal, consisting of tear strip, cap, casing, and upper portion of the handle, shall be sealed and treated to protect the signal from deterioration by moisture. The protective waterproof coating shall be applied so none adheres to the friction striking surface.

(d) *Ignition and smoke emitting characteristics.* Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. Test specimens shall ignite and emit smoke satisfactorily at a uniform rate. The plug separating the smoke producing composition from the handle shall in no case allow flame or hot gases to pass through it or between it and the casing in such manner as might burn the hand while holding the signal by the handle.

(e) *Water resistance.* Test specimens shall function properly after having been subjected to the conditioning described in § 160.037–4 (d)

(f) *Strength of joint.* Test specimens shall not show noticeable distortion, nor shall the joint between the casing and handle fail, when subjected to either of the tests described in §§ 160.037–4 (h) or (i) immediately after having been subjected to the water-resistance conditioning.

(g) *Chemical stability.* Test specimens shall function properly after having been subjected to the elevated temperature conditioning experiment described in § 160.037–4 (e) No ignition shall occur during the conditioning experiment.

(h) *Temperature of ignition of signal materials.* When tested as described by § 160.037–4 (j), the temperature of ignition of the signal materials shall be not less than 338° F. (170° C.)

(i) *Smoke emitting time.* Test specimens shall emit smoke not less than 50 seconds when the time is measured as described in § 160.037–4 (k) Test specimens shall emit smoke under water not less than ten seconds when tested as described in § 160.037–4 (f)

(j) *Color of smoke.* The color of the smoke shall be orange as determined by § 160.037–4 (m)

(k) *Susceptibility to explosion of smoke composition.* The smoke producing composition shall not explode when subjected to the influence of a No. 6 commercial blasting cap as described in § 160.037–4 (l)

(l) *Volume and density of smoke.* Sufficient orange colored smoke shall be emitted during the 50 seconds to give a cloud of smoke that is readily visible to the naked eye of a person in an aircraft which is not less than five miles away and is flying at an elevation of 5,000 feet in clear weather. Alternate methods of determining the sufficiency of the volume of smoke produced and uniformity of discharge rate will be given special consideration.

§ 160.037–4 *Sampling, inspections, conditioning, and tests*—(a) *Classification of tests.* The methods of sampling, inspections and tests conducted upon hand orange smoke distress signals shall be considered as falling within the following general classifications:

(1) Qualification (type or brand approval) tests;

(2) Production check tests (at the place of manufacture), and

(3) Production check tests (at a Government laboratory)

(b) *Qualification (type or brand approval) tests.* Pre-approval samples, selected in accordance with § 160.037–7 (c) shall be tested in accordance with the following testing schedule to determine qualification for type or brand approval.

(1) Test 12 specimens for water resistance characteristics, § 160.037–3 (e) following which test 6 for strength of joint, § 160.037–3 (f) (3 bend and 3 tensile, §§ 160.037–4 (h) and (i), respectively) then test these 6 specimens for ignition and burning characteristics, § 160.037–3 (d) then test 3 specimens for under water burning, §§ 160.037–3 (i) and 160.037–4 (f), and finally test 3 specimens for waterproofing of igniter button, § 160.037–4 (g).

(2) Test 6 unconditioned specimens in air for smoke emitting time, volume of smoke, and color of smoke, §§ 160.037–3 (i) (j) and (l), respectively.

(3) Test 2 specimens for chemical stability of smoke composition, § 160.037–3 (g) following which test then for ignition and smoke emitting characteristics, § 160.037–3 (d)

(4) Test 2 specimens for temperature of ignition of signal materials, § 160.037–3 (h).

(5) Test 2 specimens for suspectibility to explosion of smoke composition, § 160.037–3 (k)

(c) *Sampling, inspections, and tests of smoke signals from production lots.* The production of hand orange smoke distress signals produced under an official type or brand approval shall be checked for compliance with this specification in the manner set forth below:

(1) *Lot size and sampling procedure.* For purposes of sampling the production of hand orange smoke distress signals, a lot shall consist of not more than 3,000 signals: A new lot shall be started with any change or modification in raw materials or manufacturing methods. Lots shall be numbered serially by the manufacturer, and the lot number shall be plainly and indelibly marked on the label of each signal in the lot. A marine inspector shall select at random from each lot the number of specimen smoke signals indicated in the following table for inspection, conditioning, and testing:

Lot size:	*Minimum number of specimens of sample*
Not more than 1,000	18
1,001 to 3,000	24

(2) *Inspections (at the place of manufacture).* The marine inspector shall be admitted to the place of manufacture and shall familiarize himself with the various operations involved in the manufacturing process and, from observation during manufacture, satisfy himself that hand orange smoke distress signals are being made in general accordance with this subpart and of materials and parts conforming strictly with the specifications and drawings submitted by the manufacturer and approved by the Commandant. Specimens or samplings of materials entering into construction may be taken at random, either in the raw material state or during manufacture, by the inspector and tests made for compliance with the applicable requirements. The test specimens comprising the sample, selected in accordance with § 160.037–4 (c) (1) shall be examined by the inspector for surface defects.

(3) *Production check tests (at the place of manufacture)* The manufacturer shall provide a suitable place and the necessary apparatus for the use of the inspector in conducting such production check tests as are done at the place of manufacture. Samples from production lots, selected in accordance with § 160.037–4 (c) (1) shall, except when tested at a government laboratory as prescribed below, be tested at the place of manufacture in accordance with the following testing schedule: 1st day; place all specimens in water-resistance conditioning, § 160.037–4 (d). 2d day: Remove all specimens from water-resistance conditioning. Test two specimens for effectiveness of waterproofing of igniter button, § 160.037–4 (g) Test two specimens for bending strength of joint, § 160.037–4 (h) Test two specimens for tensile strength of joint, § 160.037–4 (i). Test all unburned specimens for smoke emitting time, § 160.037–4 (k) and for ignition and smoke emitting characteristics, § 160.037–3 (d) Measurements of volume and density of smoke will not be made, but visual observations of smoke production, sufficiency, and color of smoke will be noted. Any unusual discrepancies shall be considered cause for obtaining a new sample from the lot for tests at a government laboratory as provided below.

(4) *Production check tests (at a Government laboratory)* Tests at a government laboratory shall be made on not less than one sample from each ten production lots of hand orange smoke distress signals, or not less than once in each year, whichever occurs more frequently. Sampling and inspection shall be made at the place of manufacture as provided in subparagraphs (1) and (2) of this paragraph. The sample will be forwarded prepaid by the manufacturer to the Commandant. Tests at the government laboratory shall be conducted in accordance with the schedule given in paragraph (b) of this section, except that the number of specimens for the separate tests may be reduced in accordance with the size of the sample.

(d) *Conditioning of test specimens; water resistance.* Immerse specimen horizontally in water at not more than 30° C. with uppermost portion of the signal approximately one inch below the surface of the water for a period of 24 hours.

(e) *Conditioning-elevated temperature, humidity, and storage.* Place specimen in a thermostatically controlled even-temperature oven held at 90° C. with not less than 90% relative humidity for 72 hours. Remove specimen and store at room temperature (20° to 25° C.) with approximately 65% relative humidity for ten days.

(f) *Test method, under water smoke emission.* Ignite the signal and let it burn 15 seconds in air. Submerge burn-

ing signal in water in a vertical position with head down. Obtain under water smoke emission time by stop watch measurements from time of submersion until positive smoke emission ceases.

(g) *Test method; waterproofing substance on igniter button.* Remove the cap from the test specimen. Place head of specimen without cap about one inch under the surface of water about 20° C. for approximately 5 minutes. Remove specimen from water and wipe dry. Attempt to ignite signal according to directions.

(h) *Test method; bending strength.* Place the specimen on supports six inches apart. Attach a weight of 80 pounds to a length of wire. Hang the weight from the supported flare by looping the wire around the flare approximately equidistant from the two points of support. Let the weight hang approximately 5 minutes.

(i) *Test method; tensile strength.* Place the specimen in a chuck firmly holding it about one-half inch below the cap. Attach a weight of 80 pounds to a length of wire. Hang the weight from the supported flare by looping the wire through a hole bored perpendicular to and through the axis of the handle. Let the weight hang approximately 5 minutes.

(j) *Test method, temperature of ignition of signal materials.* The test shall be conducted in a uniformly heated gas or electric oven with a chamber of at least 6 inches by 6 inches by 9 inches inside measurement. If gas heated, the oven should be of jacketed type with the products of combustion of the heating gas excluded from the inner chamber. The oven should be provided with an opening or openings at the top of at least ¾ square inch in area to give air circulation within. A suitable 600° F. 3-inch immersion thermometer or thermocouple shall be inserted through a sleeve in the top of the oven. A shelf of perforated sheet metal shall be provided at the mid-height of the oven. A wire screen cup ½ inch in diameter by ¾ inch high shall be provided. The materials to be tested shall be placed to a depth of ½ inch in the wire screen cup. (Ordinarily, materials adjacent to each other in the assembled signal will be blended together for the test, materials nonadjacent ordinarily will not be blended together for the test.) The cup then shall be placed on the shelf so as to be within ½ inch to ¼ inch from the bulb of the thermometer or the junction of the thermocouple. The temperature of the oven is to be raised to about 284° F (140° C.) at a convenient rate, after which the temperature is to be raised at a rate not to exceed 2° F. per minute until ignition occurs or 338° F (170° C.) has been reached. Time and temperature readings at 30 second intervals and also time at which ignition, if such occurs, are to be recorded. If ignition occurs, the approximate ignition temperature, to be reported, can be obtained by extrapolation from the time-temperature data. Alternate test methods will be given special consideration by the Coast Guard.

(k) *Test method, smoke emitting time.* The smoke emitting time of a specimen shall be obtained by stop watch measurements from the time positive smoke emission begins until it ceases. The smoke emitting time for a sample (i. e. all the test specimens from a single lot) shall be the arithmetical average for all specimens in the sample.

(l) *Test method, susceptibility to explosion.* Remove smoke composition from signal and punch a small hole in the composition. Insert a No. 6 commercial blasting cap. Ignite the cap.

(m) *Test method; color of smoke.* Ignite specimen in the open air in daytime according to manufacturer's directions, and determine the Munsell notation of the smoke color by direct visual comparison of the unshadowed portions of the smoke with the charts of the Munsell book of color held so as to receive the same daylight illumination as the unshadowed portions of the smoke. The smoke shall be deemed orange if its Munsell notation has a hue between 8 R and 5 YR, a value greater than 4.5, and a chroma greater than 9.0.

(n) *Lot acceptance or rejection.* When the marine inspector has satisfied himself that the hand orange smoke distress signals in the lot are of a type officially approved in the name of the manufacturer, and that such signals meet the requirements set forth in this subpart, each of the smallest packing cartons or boxes (usually containing one dozen signals) in which the signals are sealed prior to shipment, shall be plainly marked with the words: "Inspected and Passed, (Date) (Port) (Inspector's Initials) U. S. C. G." When the sample of the lot does not meet the requirements of this subpart, or when one or more of the test specimens fails to ignite, the lot shall be rejected. Signals from rejected lots may, when permitted by the inspector, be reworked by the manufacturer to correct the deficiency for which they were rejected and be resubmitted for official inspection. Signals from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels.

§ 160.037–5 *Labeling and marking.*—(a) *Labeling.* Each hand orange smoke distress signal shall bear a label securely affixed thereto, showing in clear, indelible black lettering on an orange background, the following wording and information:

(Company brand or style designation)

HAND ORANGE SMOKE DISTRESS SIGNAL

For daytime use—50 seconds burning time

USE ONLY WHEN AIR CRAFT OR VESSEL IS SIGHTED

DIRECTIONS—Pull tape over top of cap. Remove cap and ignite signal by rubbing scratch surface on top of cap sharply across igniter button on head of signal.

CAUTION—Stand with back to wind and point away from body when igniting or signal is burning.

(Month and year manufactured)

(Lot No. _____)

Manufactured by (Name and address of manufacturer)

U. S. Coast Guard Approval No. _____ for Merchant Vessels.

(b) *Other marking.* There shall be die-stamped, in the side of the wooden handle in figures not less than ⅛ inch high, numbers indicating the month and year of manufacture, thus: "6–48" indicating June 1948. In addition to any other marking placed on the smallest packing carton or box containing hand orange smoke distress signals, such cartons or boxes shall be plainly and permanently marked to show the date of manufacture and lot number.

§ 160.037–6 *Container.*—(a) *General.* Containers for stowage of hand orange smoke distress signals are not required to have specific approval or to be of special design, but they shall meet the following test for watertightness when closed, and shall be capable of being opened and reclosed hand-tight to meet the same watertightness test. The material shall be copper, brass, bronze, or others equally corrosion-resistant to salt water and spray. The type container illustrated by Drawing No. 160.021–6 (a) is recommended for most purposes.

(b) *Watertightness test for containers.* Whenever question arises as to the watertightness of a container, the following test may be made to determine whether it is satisfactory in this respect. Open the container, remove the contents, insert colored blotting paper as a lining, reclose container as tightly as possible by hand (no wrenches or special tools permitted) submerge container with top about one foot below the surface of the water for two hours, remove container from water, wipe off excess moisture on outside, then open the container and examine the blotting paper and entire interior for evidence of moisture penetration. If any moisture or water is evidenced, the container is not satisfactory.

(c) *Marking of container* Containers shall be embossed or bear a brass or equivalent corrosion-resistant name plate, or otherwise be suitably and permanently marked, to plainly show in letters not less than ½'' high the following wording: "Hand Orange Smoke Distress Signals" No additional marking which might cause confusion as to the contents shall be permitted.

NOTE: The vessel's name is required to be painted or branded on equipment such as this container by other regulations, and nothing in this subpart shall be construed as prohibiting same.

§ 160.037–7 *Procedure for approval.*—(a) *General.* Hand orange smoke distress signals for merchant vessels are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Manufacturer's plans and specifications.* In order to obtain approval, submit detailed plans and specifications, including a complete bill of material, assembly drawing, and parts drawings descriptive of the arrangement and construction of the signal, to the Commander of the Coast Guard District in which the factory is located. Each drawing shall have an identifying drawing number, date, and an identification

of the signal; and the general arrangement or assembly drawing shall include a list of all drawings applicable, together with drawing numbers and alteration numbers. The alterations shall be noted with the date of alteration or new drawing numbers and dates shall be assigned. At the time of selection of the pre-approval sample, the manufacturer shall furnish to the inspector four copies of all plans and specifications, corrected as may be required, for forwarding to the Commandant.

(c) *Pre-approval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with § 160.037–4 (b) to determine compliance with this subpart for qualification for type or brand approval for use on merchant vessels.

Dated: October 22, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-9576; Filed, Oct. 29, 1948; 8:52 a. m.]

[CGFR 48-50]

MISCELLANEOUS AMENDMENTS

Notices regarding proposed changes in the inspection and navigation regulations were published in the FEDERAL REGISTER dated August 11 and September 15, 1948, 13 F. R. 4638, 5382, and public hearings were held by the Merchant Marine Council on September 28, 1948, at Washington, D. C.

The purpose of the miscellaneous amendments to the regulations is to clarify their intent, effect editorial changes, establish additional safety requirements, to permit certain practices to be employed by the industry in the construction, repair or operation of merchant vessels, and to provide for the licensing of radio operators in accordance with Public Law 525, 80th Congress, 2d Session, approved May 12, 1948. All the written or oral comments, data, and suggestions submitted were considered by the Merchant Marine Council and where practicable were incorporated into the miscellaneous amendments to the regulations.

The regulations in this document shall become effective on and after the 91st day after the date of publication of this document in the FEDERAL REGISTER, except for regulations in 46 CFR 146.27–100, regarding burlap bags, which shall become effective on and after the date of publication because this amendment removes a restriction on the shipment of cleaned bags, and except further for regulations in 46 CFR 10.13–1 to 10.13–33, inclusive, regarding licensing of radio officers, 46 CFR 12.25–15, regarding radio operators, and 46 CFR 131.2 and 131.4, regarding manning of vessels, which shall become effective on and after April 1, 1949, when Public Law 525, 80th Congress, 2d Session, becomes effective: *Provided, however,* That all the provisions necessary to receive applications and issue licenses as radio officers to qualified persons shall become effective on and after the date of publication of this document in the FEDERAL REGISTER, in order that merchant vessels will be enabled to operate with properly licensed radio officers on and after April 1, 1949.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, as amended, 46 U. S. C. 375, and section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed:

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

1. The title for Part 10 is changed to read as set forth above.

SUBPART 10.01—GENERAL

2. Section 10.01–1 is amended to read as follows:

§ 10.01–1 *Basis and purpose of regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 168, sec. 1, 34 Stat. 1411, 49 Stat. 1544, 1935, 1992, 53 Stat. 1147, sec. 17, 54 Stat. 166, and sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237, 247, 367, 375, 391a, 404, 405, 526p, 672a, 1132, 50 U. S. C. 1275, sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875, and Public Law 525, 80th Congress, approved May 12, 1948; the regulations in this part are prescribed to provide a comprehensive and adequate means of determining the qualifications an applicant must possess in order to be eligible for a license as deck or engineer or radio officer on merchant vessels, for a license to operate motorboats, or for a certificate of registry as staff officer, in accordance with the intent of the statutes and to obtain their correct and uniform administration. (R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, 4447, sec. 2, 29 Stat. 168, sec. 1, 34 Stat. 1411, 49 Stat. 1544, 1935, 1992, 53 Stat. 1147, sec. 17, 54 Stat. 166, and sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237, 247, 367, 375, 391a, 404, 405, 526p, 672a, 1132, 50 U. S. C. 1275, sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, and Pub. Law 525, 80th Cong., 2d Sess.)

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

3. Section 10.05–11 is amended by changing paragraphs (a) and (g) and adding paragraph (h), reading as follows:

§ 10.05–11 *Master, mate, or pilot of steam or motor vessels operating under special conditions.* (a) This section shall apply to every applicant for a license as master, mate, or pilot of steam pilot boats or seagoing motor pilot boats of 300 gross tons or over; or of steam vessels navigating the waters of the whaling grounds in the Alaskan Seas; or of steam vessels engaged exclusively in the business of whale fishing; or of steam vessels engaged in the Atlantic, Pacific, or Gulf Coast fisheries; or of steam or sail vessels navigating exclusively between ports in the Hawaiian Islands; or of steam or sail vessels or seagoing motor vessels of 300 gross tons or over navigating exclusively between ports of the Island of Puerto Rico.

* * * * *

(g) An applicant for a master's license of seagoing vessels propelled by internal combustion engines, navigating exclusively between ports in the Hawaiian Islands, shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character, trustworthiness, and ability of the applicant.

(h) The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits, and if satisfied by the oral examination or practical demonstration and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such an applicant. (R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, sec. 2, 29 Stat. 188, 49 Stat. 1544, and sec. 5 (e) 55 Stat. 244, as amended, 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 367, 375, 391a, 404, 405, 50 U. S. C. 1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

SUBPART 10.10—PROFESSIONAL REQUIREMENTS FOR ENGINEER OFFICERS' LICENSES (INSPECTED VESSELS)

4. Section 10.10–25 (a) is amended to read as follows:

§ 10.10–25 *Engineers of motor vessels operating in Puerto Rican and Hawaiian waters.* (a) An applicant for an engineer's license of seagoing vessels propelled by internal combustion engines navigating exclusively between ports in the Hawaiian Islands, or navigating exclusively between ports of the Island of Puerto Rico and/or the Virgin Islands, shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character and ability of the applicant. The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits and, if satisfied by the oral examination or practical demonstration, and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such applicant.

(R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, sec. 2, 29 Stat. 188, 49 Stat. 1544, and sec. 5 (e), 55 Stat. 244,

as amended, 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 367, 375, 391a, 404, 405, 50 U. S. C. 1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

5. Part 10 is amended by adding a new subpart 10.13 reading as follows:

SUBPART 10.13—LICENSING OF RADIO OFFICERS

AUTHORITY: §§ 10.13-1 to 10.13-33, issued under Public Law 525, 80th Congress, 2d Session, and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

§ 10.13-1 *Applicability of laws.* Public Law 525, 80th Congress, approved May 12, 1948, under which the regulations in this subpart are promulgated, reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the complement of any vessel prescribed pursuant to section 4463 of the Revised Statutes, as amended (46 U. S. C., sec. 222), includes one or more radiotelegraph operators such operators shall be required to be licensed officers.

SEC. 2. The boards of local inspectors authorized under section 4414 of the Revised Statutes (U. S. C., 1940 edition, title 46, sec. 382) shall license radiotelegraph operators, and it shall be unlawful to employ any person or for any person to serve as a radiotelegraph operator of any steamer or of any other vessel of over one hundred gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense.

SEC. 3. Whenever any person applies for authority to perform the duties of radiotelegraph operator of any vessel, the inspectors shall require possession of a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission; and if, upon full consideration, they are satisfied that his character, habits of life, and physical condition are such as to authorize the belief that he is a suitable and safe person to be entrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of five years, provided he continues to hold a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission.

All licenses issued under this section shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of license of officers under the provisions of section 4450 of the Revised Statutes, as amended.

SEC. 4. (a) Section 2 of the Act of March 4, 1915, as amended (U. S. C., 1940 edition, title 46, sec. 673), is amended by striking out the period after the words "management of the vessel" and inserting a colon and the following words: "*Provided*, That in the case of radiotelegraph operators this requirement shall be applicable only when three or more radio officers are employed."

(b) Nothing in this Act shall be presumed to repeal the provisions of section 2 of the Act of March 4, 1915, as amended (U. S. C., 1940 edition, title 46, sec. 673), limiting the work of radiotelegraph operators to eight hours in one day.

SEC. 5. Every radiotelegraph operator who receives a license shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

Every applicant for license as radiotelegraph operator under the provisions of this Act shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this Act, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this Act and knowing the same to be false shall be deemed guilty of perjury.

Every radiotelegraph operator, who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by an inspector or inspectors referred to in this Act shall, for every such offense, upon conviction, be punished by a fine of not more than $500 or by imprisonment at hard labor for a term not exceeding three years.

SEC. 6. Every radiotelegraph operator who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: *Provided*, That in case of emergency such radiotelegraph operator may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license; and for every neglect to comply with this provision by any such radiotelegraph operator, he shall be subject to a fine of $100 or to the revocation of his license.

SEC. 7. Nothing in this Act shall affect the status of radiotelegraph operators while serving aboard vessels operating solely on the Great Lakes.

SEC. 8. Nothing in this Act shall increase the number of radiotelegraph operators at present required by law to be carried on vessels, or the type of vessels on which radiotelegraph operators are required to be carried, or to alter, repeal, modify, or affect any other statute of the United States, it being the only intent of this Act to give to radiotelegraph operators the status of licensed officers as herein provided without affecting in any way any statute of the United States except as specifically hereinbefore authorized.

SEC. 9. The provisions of this Act will become effective on April 1, 1949.

§ 10.13-3 *Definitions*— (a) *License.* Where the word "license" appears throughout the regulations in this subpart it shall be construed as meaning a license issued by the Coast Guard, unless indicated otherwise.

(b) *Original license.* The first license issued to a radiotelegraph operator by the Coast Guard shall be considered an original license, when the records of the Coast Guard show no previous issue to such person.

§ 10.13-5 *General provisions respecting all licenses issued.* (a) Applicants for licenses, issued in accordance with the regulations in this subpart, are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as, age, experience, character and citizenship, before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license.

(b) After application to an Officer in Charge, Marine Inspection, any person who is found qualified under the requirements set forth in this subpart shall be issued an appropriate license valid for a term of five (5) years, provided he continues to hold a valid first- or second-class radiotelegraph operator's license issued by the Federal Communications Commission.

(c) Every person to whom a license is issued shall place his signature and left thumbprint thereon.

(d) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

§ 10.13-7 *Citizenship and age requirements for all licenses issued.* (a) No license shall be issued to any person who is not a United States citizen. An applicant claiming to be a citizen of the United States shall furnish documentary evidence of his citizenship. Acceptable evidence of citizenship is described in § 10.02-5.

(b) Any citizen who has attained the age of 19 years and is qualified in all other respects shall be eligible for a license: *Provided*, That an applicant who has attained the age of 18 years and who can show 6 months' service as a radio operator at sea prior to April 1, 1949, will be considered eligible insofar as age is concerned.

§ 10.13-9 *Evidence of professional competence for all licenses issued.* Each applicant for a license must present to the Officer in Charge, Marine Inspection, at the time of making application his currently valid first- or second-class radiotelegraph operator's license issued by the Federal Communications Commission.

§ 10.13-13 *General requirements for original licenses*—(a) *First aid certificate.* No candidate for original license shall be qualified until he presents a certificate from the United States Public Health Service that he has passed a satisfactory examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea," or other manual arranged for the purpose and having the

approval of the United States Public Health Service.

(b) *Written application.* (1) The Officers in Charge, Marine Inspection, shall require all applicants for original licenses to make written applications upon Coast Guard Form CG 866.

(2) This application shall be submitted in duplicate. The applicant shall also furnish two unmounted, dull finish photographs, 2 inches by 1½ inches, of passport type taken within 1 year of the date of application. Photographs shall show the full face, at least 1 inch in height, with the head uncovered, and shall be a satisfactory likeness of the applicant. The issuing officer shall affix a photograph to each of the applications and impress his official seal partly over the photograph, after the applicant has in his presence signed the applications.

(3) The applicant shall place his left thumbprint on each of the applications.

(4) The applicant shall enter on the application form the number, class, and date of issuance of his currently valid Federal Communications Commission license.

(5) The applicant shall make and subscribe to an oath or affirmation, before the issuing officer, to the truth of all the statements set forth in his application. Any applicant who shall make or subscribe to any oath or affirmation on the application form and knowing the same to be false shall be deemed guilty of perjury.

(c) *Evidence of employment.* Applicants for licenses must present to the Officers in Charge, Marine Inspection, at the time of making application evidence that they are going to sea or expect to go to sea. This evidence shall be in the form of one of the following and shall be entered on the application form:

(1) A currently valid certificate of service as radio operator or merchant mariner's document indorsed as radio operator.

(2) One or more certificates of discharge showing service as radio operator on a merchant vessel. Evidence of service on United States Government vessels or foreign vessels is acceptable.

(3) An applicant for a license who has not served as radio operator aboard a vessel must present satisfactory proof that he has a commitment of employment as a radio operator on a United States merchant vessel. This proof shall be in the form of a letter and shall be signed by a responsible official of the vessel, agent, owner, operator, or organization concerned with manning vessels.

(d) *Surrender of certificate of service.* Upon the issuance of a license the certificate of service as radio operator or merchant mariner's document indorsed as radio operator held by the licensee shall be surrendered to the issuing officer.

§ 10.13–15 *Physical examinations for original licenses.* (a) All applicants for original licenses shall be required to pass physical examinations given by a medical officer of the United States Public Health Service and present certificates executed by this Public Health Service Officer to the Officers in Charge, Marine Inspection. This certificate shall attest to the applicant's acuity of vision and general physical condition.

(b) Epilepsy, insanity, senility, acute venereal disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of a radio officer at sea are causes for certification as incompetent.

(c) For original license the applicant must have, either with or without glasses, at least 20/30 vision in one eye and at least 20/50 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other. Any applicant for original license who is possessed of monocular vision and who has served as a radio operator on merchant vessels of the United States while possessed of such vision may be issued a license if eligible in all other respects. Vision of at least 20/30 without glasses in the remaining eye shall be required in all such cases.

(d) Where an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician, shall make a recommendation to the Commandant for an exception to these requirements if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records, and reports. Special consideration will be given to an applicant who has served satisfactorily at sea as a radio operator even though he is possessed of physical defects which would be cause for rejection of an applicant with no sea service. Recommendations from interested parties having knowledge of the applicant's qualifications will be given full consideration in arriving at a decision.

§ 10.13–17 *Character check and references required for original licenses.* (a) In those cases where an applicant for an original license has served at sea as a radio operator, the Officer in Charge, Marine Inspection, shall require such applicant to have written indorsements of a master of a vessel on which he has served, together with those of two other licensed officers. Upon a showing that the written indorsements required above cannot be obtained without undue delay or hardship, the Officer in Charge, Marine Inspection, may accept in lieu of these indorsements those from officials of the steamship company or other employers of the applicant. Letters of recommendation attesting to the applicant's character, etc., from former employers of the applicant may be accepted in lieu of the indorsements, but such letters must be filed with the application. Where no sea service has been obtained, the applicant shall have the written indorsements of three reputable persons to whom he is well-known.

(b) Fingerprint records of each applicant shall be made on Form CG 2515B. This record shall be submitted to the Commandant together with the application for license.

(c) Every application for an original license shall be approved by the Commandant. No license shall be issued or temporary permit granted pending the Commandant's authorization.

(d) (1) The application of any person may be rejected by the Commandant when derogatory information has been brought to his attention which indicates that the applicant's character and habits of life are such as to authorize the belief that he is not a suitable and safe person to be entrusted with the duties of radiotelegraph operator on any vessel.

(2) Applications will be rejected and the issuance of licenses refused to persons in the following categories:

(i) Those who have been convicted in the courts of offenses such as: Crimes of violence on shipboard and in certain instances ashore; sabotage; possession, use, or sale of narcotics; smuggling of aliens into the United States; malicious destruction of ship's property; serious cases of theft of ship's property or stores; and offenses of an infamous character.

(ii) Those who have been disapproved for service as radio operator aboard merchant vessels of the United States in time of war.

(iii) Those who have been issued a dishonorable discharge from any of the armed services of the United States.

(3) Where an application for a license is rejected by the Commandant under the provisions of this section, the application will be reconsidered upon written request of the applicant, provided he can produce additional evidence of satisfactory character and habits over a reasonable period of time immediately prior to the date of request for reconsideration. This evidence may consist of certificates showing satisfactory service in any of the armed forces of the United States; or letters from employers, from persons having direct and personal knowledge of the applicant, or from reputable institutions. The letters should indicate familiarity of the writer with the applicant, approximate dates of employment (if any) and other pertinent statements indicating the writer's belief about the applicant's character and habits.

(4) The fact that an applicant for an original license is on probation as a result of action under R. S. 4450, as amended, 46 U. S. C. 239, does not itself make such an applicant ineligible, provided he meets all the requirements for such original license. However, any original license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for.

(5) Nothing in the regulations in this subpart shall be construed to permit the issuance of an original license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is ef-

fective against any document held by him.

§ 10.13–21 *General requirements for renewal of license*—(a) *Establishing eligibility.* Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license.

(b) *Application for renewal.* The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except where the applicant would be put to great inconvenience or expense to appear in person or is engaged in a service that necessitates his continuous absence from the United States. In such cases the license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office which issued the license to be renewed:

(1) A letter of transmittal indicating reasons for not appearing in person and stating that to the best of his knowledge no physical incapacity exists.

(2) The oath of office on the form prescribed by the Coast Guard which has been duly executed before a person authorized to administer oaths.

(3) The license to be renewed.

(4) The currently valid license as first- or second-class radiotelegraph operator issued by the Federal Communications Commission. (This license will be sighted and returned to the applicant)

(c) *Fitness.* No license shall be renewed if title has been permanently relinquished or facts which would render a renewal improper have come to the attention of the Coast Guard.

(d) *Period of grace.* (1) Licenses shall be renewed within 12 months after the date of expiration as shown on the license held. During this 12-month period of grace, the license is not valid.

(2) No license shall be renewed more than 30 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(e) *Surrender of expiring license.* An applicant for renewal shall surrender his license which is being renewed upon issuance of the new license.

§ 10.13–23 *Physical requirements for renewal.* (a) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of a radio officer at sea, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(b) Nothing herein contained shall debar an applicant who has lost the sight of one eye since obtaining his original license from securing a renewal of his license, provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

(c) In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination or certification may be made by another reputable physician.

(d) Whenever an applicant shall apply for renewal of his license after 12 months after the date of its expiration, he shall be required to pass the physical examination required of an applicant for an original license.

§ 10.13–25 *Issuance of duplicate license.* (a) Whenever a person to whom a license has been issued loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a duplicate license after receiving from such person a properly executed affidavit giving satisfactory evidence of such loss, and a record of the license from the Marine Inspection Office where it was issued. Such license shall be issued as a duplicate by the addition of the following typewritten indorsement, "This license replaces License No. _____ issued at _____ on the above date," as well as the port and date of the duplicate issue.

(b) The duplicate license, issued for the unexpired term, shall have the same force and effect as the lost license.

(c) When a person reports the loss of his license, or when it is discovered that any license or license form has been stolen from a Marine Inspection Office or when such lost or stolen licenses are recovered, the Officer in Charge, Marine Inspection, shall immediately report the loss, theft, or recovery to the Commandant giving a description of the license and all facts incident to its loss, theft, or recovery.

§ 10.13–27 *Parting with or altering license.* (a) If the holder of any license voluntarily parts with it or places it beyond his personal control by pledging or depositing it with any other person for any purpose, he may be proceeded against in accordance with the provisions of R. S. 4450, as amended, 46 U. S. C. 239, looking to a suspension or revocation of his license.

(b) The holder of any license issued pursuant to the regulations in this subpart who shall change, by addition, interpolation, or erasure of any kind any license shall be subject to all the penalties provided by law and any license so changed is null and void and without force and effect.

§ 10.13–29 *Suspension and revocation of licenses.* (a) Licenses issued pursuant to the regulations in this subpart shall be subject to suspension or revocation on the same ground and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of R. S. 4450, as amended, 46 U. S. C. 239.

(b) Whenever a license is revoked such license expires with such revocation and any license subsequently granted to such person shall be considered in the light of an original license except as to number of issue.

(c) No person whose license has been suspended or revoked shall be issued another license except upon approval of the Commandant.

(d) When a license which is about to expire is suspended, the renewal of such license may be withheld until the expiration of the period of suspension.

(e) When the license issued by the Federal Communications Commission upon which the license issued pursuant to the regulations in this subpart is predicated is suspended or revoked, such suspension or revocation shall operate as a suspension or revocation of the license issued under the regulations in this subpart. No formal proceedings shall be required in such cases.

§ 10.13–33 *Right of appeal.* Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action with respect to the issuance of a license, he may appeal therefrom to the District Coast Guard Commander having jurisdiction. A like appeal shall be allowed from any decision or action of the District Coast Guard Commander to the Commandant, whose action shall be final. Such appeals shall be made in writing within 30 days after the date of decision or action appealed from. Pending the determination of the appeal, the decision of the Officer in Charge, Marine Inspection, shall remain in effect.

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.02 — GENERAL REQUIREMENTS FOR CERTIFICATION

Section 12.02–11 (d) is amended by adding a new subparagraph (3), reading as follows:

§ 12.02–11 *General provisions respecting merchant mariner's documents.*

* * *

(d) * * *

(3) A merchant mariner's document issued to a licensed radio officer will be indorsed as follows: "See License as Radio Officer." If a licensed radio officer qualifies as lifeboatman, the further indorsement, "Lifeboatman," will be placed on the merchant mariner's document. Qualifications for other ratings for which a radio officer is eligible may also be indorsed on the document. (R. S. 4405, 4417a, 4488, and 4551, as amended; Sec. 13, 38 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, secs. 1, 2, 50 Stat. 199, sec. 1, 52 Stat. 753, 55 Stat. 579, 732, sec. 1, 49 Stat. 1544, sec. 7, 49 Stat. 1936, and sec. 5 (e) 55 Stat. 244, as amended, 46 U. S. C. 367, 375, 391a, 481, 643, 672, 672–1, 672–2, 672b, 689, 50 U. S. C. 1275; sec. 101, Reorg. Plan No. 3 of 1946, 11 F R. 7875 and Pub. Law 525, 80th Cong., 2d Sess.)

2. Section 12.02–13 is amended to read as follows:

§ 12.02–13 *Citizenship requirements.* (a) Any person making application for a

continuous discharge book or a certificate of identification or a merchant mariner's document representing a certificate of identification and claiming to be a citizen of the United States shall present acceptable evidence of such citizenship at the time of making application. No original document shall be issued to any person claiming to be a citizen of the United States until such citizenship is established by acceptable evidence.

(b) Any person who has been issued a continuous discharge book or certificate of identification or merchant mariner's document showing question marks prior to the effective date of this section may at any time produce additional evidence of citizenship to a shipping commissioner or Officer in Charge, Marine Inspection. If the additional evidence produced satisfies the shipping commissioner or the Officer in Charge, Marine Inspection, to whom it is presented that the same is acceptable evidence of the citizenship of the person, such official may draw lines through the question marks and note the citizenship of the person in the space provided therefor, attesting the change, or reissue the certificate or document. Whenever such changes are made the official making the change shall immediately thereafter notify the Commandant.

(c) Acceptable evidence of citizenship is set forth in § 10.02–5 of this subchapter. (Secs. 5, 7, and 302, 49 Stat. 1935, 1936, 1992, 46 U. S. C. 672a, 689, 1132, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F R. 7875)

3. Part 12 is amended by adding a new § 12.02–14, to follow § 12.02–13, reading as follows:

§ 12.02–14 *Nationality of aliens.* (a) Any alien making application for a continuous discharge book or certificate of identification or merchant mariner's document representing a certificate of identification shall present acceptable evidence of nationality at the time of making application. No original document shall be issued to any alien until nationality is established by acceptable evidence.

(b) Any document of an official character showing the country of which the alien is a citizen or subject may be accepted as acceptable evidence of an alien's nationality. The following are examples of such a document:

(1) Declaration of intention to become a citizen of the United States made by the alien after 1929.

(2) A travel document in the nature of a passport issued by the government of the country of which the alien is a citizen or subject.

(3) A certificate issued by the consular representative of the country of which the alien is a citizen or subject.

(c) Should any doubt arise as to whether or not the document presented may be considered as acceptable evidence of the alien's nationality, the matter shall be referred to the Commandant for decision.

(d) (1) No documents shall be issued to any enemy alien. The term "enemy alien" shall include the following:

(i) All aliens of the age of 14 years or older who were or are citizens or subjects of Germany or Japan.

(ii) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany or Japan.

(2) The term "enemy alien" shall not include the following:

(i) Former German or Japanese citizens or subjects who, before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German citizens or subjects, became and are citizens or subjects of any nation other than Germany or Japan.

(ii) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940: *Provided,* That such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(iii) All citizens or subjects of Italy, and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

(iv) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

(3) Should any difficulties arise as to whether or not any person is an enemy alien, such case will be referred to the Commandant together with the date and place of birth and statements regarding the citizenship of the person whose status is in doubt. (Secs. 5, 7, and 302, 49 Stat. 1935, 1936, 1992, 46 U. S. C. 672a, 689, 1132, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

SUBPART 12.25—CERTIFICATES OF SERVICE FOR RATINGS OTHER THAN ABLE SEAMAN OR QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

4. Section 12.25–15 *Radio operator* is deleted.

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet In Length

PART 28—SPECIFICATIONS AND PROCEDURE FOR APPROVAL OF EQUIPMENT

1. Section 28.4–4 *Specifications for block-cork life preserver* and Figure 1 are deleted.

2. Section 28.4–5 *Specifications for balsa-wood life preserver* is deleted.

3. Section 28.4–9 *Factory inspection* is deleted.

4. Section 28.4–10 *Manufacturer's affidavit* is deleted.

Subchapter D—Tank Vessels

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

1. Section 37.6–4 *Specifications for standard type block-cork life preserver* and Figure 1 are deleted.

2. Section 37.6–5 *Specifications for standard type balsa-wood life preserver* is deleted.

3. Section 37.6–7 *Factory inspection* is deleted.

4. Section 37.7–1 *Manufacturer's affidavit* is deleted.

Subchapter F—Marine Engineering

PART 54—UNFIRED PRESSURE VESSELS

Section 54.01–40 is amended to read as follows:

§ 54.01–40 *Tests*—(a) *New pressure vessels.* Upon completion of a new pressure vessel one of the following applicable hydrostatic tests shall be made in the presence of an inspector:

(1) Riveted construction: 1½ times the maximum allowable pressure.

(2) Brazed construction: 2 times the maximum allowable pressure. (See § 56.05–10 of this subchapter.)

(3) Welded construction: 2 times the maximum allowable pressure. (See § 56.05–10 of this subchapter.)

(4) Cast construction: 2 times the maximum allowable pressure.

(b) *Pressure vessels in service.* (1) Pressure vessels which have manholes or access openings permitting internal examination are not required to be hydrostatically tested. Pressure vessels, other than tubular heat exchangers and those used in refrigeration service, which cannot be examined internally, shall be tested hydrostatically to 1¼ times the maximum allowable pressure biennially at the annual inspection.

(2) Tubular heat exchangers shall be examined under operating conditions at the annual inspection.

(3) Refrigeration units, gas condensers, receivers, evaporators, and direct expansion cooling coils shall be leak tested to their design pressure as indicated in Table 54.01–40 (b) (3) These tests shall be made every fourth year at the annual inspection.

TABLE 54.01–40 (b) (3)—REFRIGERATION LEAK TESTS

Refrigerant	Design pressure (leak test—gas)	
	High side p. s. i.	Low side p. s. i.
Ammonia.....NH_3	200	150
Carbon Dioxide.....CO_2	1,000	1,000
Freon-11.....CCl_3F	40	40
Freon-12.....CCl_2F_2	225	150
Freon-21.....$CHCl_2F$	75	40
Freon-22.....$CHClF_2$	375	245
Freon-113.....$C_2Cl_3F_3$	60	60
Freon-114.....$C_2Cl_2F_4$	80	45

(4) No gas tests shall be made aboard ship higher than the design pressure of the part of the system being tested. The refrigerant in the system may be used for this test. If the refrigerant has been removed, oil pumped dry nitrogen or bone dry carbon dioxide with a detectable amount of the refrigerant added, should be used as a testing medium. (Carbon dioxide should not be used to leak test an existing ammonia system.) In no case should air, oxygen, any flammable gas or any flammable mixture of gases be used for testing.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, 50 U. S. C. 1275; and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

PART 55—PIPING SYSTEMS

SUBPART 55.07—DETAIL REQUIREMENTS

1. Section 55.07–1 (c) is amended to read as follows:

§ 55.07–1 *Material.* * * *

(c) Lap-welded steel or iron pipe without diameter limitation may be used where the pressure does not exceed 350 pounds per square inch, or the temperature does not exceed 450° F. Furnace butt-welded steel or iron pipe without diameter limitation may be used where the pressure does not exceed 150 pounds per square inch, or the temperature does not exceed 450° F Electric resistance-welded steel pipe may be used where the pressure does not exceed 350 pounds per square inch or the temperature does not exceed 650° F

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, 50 U. S. C. 1275; and sec. 101, Reorg. Plan No. 3 of 1946, 11 F R. 7875)

2. Section 55.07–15 is amended by changing the descriptions of Figures 55.07–15 (f12) 55.07–15 (f13) and 55.07–15 (f17) to read as follows:

§ 55.07–15 *Joints and flange connections.* * * *

Figure 55.07–15(f12). The flange of the type described and illustrated by Figure 55.07–15 (f11), except with the fillet weld omitted, may be used for class II piping for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 450° F.

Figure 55.07–15 (f13). Flanges may be attached by expanding the pipe into the grooves machined in the hub of the flange and flaring the end of the pipe to an angle of not less than 20°. This type of flange is limited to a maximum pressure of 250 pounds per square inch at a temperature not exceeding 500° F. For class II piping and where the temperature does not exceed 450° F it is not required that the ends of the pipe be flared.

* * * * *

Figure 55.07–15 (f17). The flange of the type described and illustrated by Figure 55.07–15 (f16), except with the brazing omitted, may be used for class II piping and where the temperature does not exceed 406° F.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, 50 U. S. C. 1275; and sec. 101, Reorg. Plan No. 3 of 1946, 11 F R. 7875.)

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.55 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver* paragraph (i) *Factory inspection,* and paragraph (k) *Manufacturer's affidavit,* and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.48 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver* paragraph (i) *Factory inspection,* and paragraph (k) *Manufacturer's affidavit,* and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c)

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.52 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver* paragraph (i) *Factory inspection,* and paragraph (k) *Manufacturer's affidavit,* and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.52 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver* paragraph (i) *Factory inspection,* and paragraph (k) *Manufacturer's affidavit,* and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c)

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.44 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver* paragraph (i) *Factory inspection,* and paragraph (k) *Manufacturer's affidavit,* and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c)

Subchapter K—Seamen

PART 131—HOURS OF LABOR ON SHIPBOARD

Section 131.2 is amended to read as follows:

§ 131.2 *Division into three watches.* On vessels to which all of the provisions of section 2 of the Seamen's Act of 1915, as amended (49 Stat. 1933; 46 U. S. C. 673) apply, the licensed officers, sailors, coal passers, firemen, oilers, and water tenders shall, while at sea, be divided into at least 3 watches, the number in each watch to be as nearly equal as the division of the total number in each class will permit. The watches shall be kept on duty successively. The requirement for division into watches applies only to those classes of the crew specifically named in the aforesaid section 2: *Provided,* That in the case of radiotelegraph operators this requirement shall be applicable only when three or more radio officers are employed. (49 Stat. 1936, as amended, 46 U. S. C. 689, sec. 101, Reorg. Plan No. 3 of 1946, 11 F R. 7875, Pub. Law 525, 80th Cong., 2d Sess.)

Section 131.4 is amended by changing the first sentence to read as follows:

§ 131.4 *Officers in Charge, Marine Inspection, to note three-watch system in fixing complement of licensed officers and crew; licensed officers and crew of tugs and the barges engaged in voyages of less than 600 miles.* Officers in Charge, Marine Inspection, will note that the 3-watch system extends to all licensed officers and to the sailors, coal passers, firemen, oilers and water tenders of all vessels to which all of the provisions of section 2 of the Seamen's Act of 1915, as amended (49 Stat. 1933; 46 U. S. C. 673) apply and will be governed accordingly in fixing the complement of licensed officers and crew, as authorized by R. S. 4463, as amended (46 U. S. C. 222) *Provided,* That in the case of radio telegraph operators this requirement shall be applicable only when three or more radio officers are employed. * * *

(49 Stat. 1936, as amended, 46 U. S. C. 689, sec. 101, Reorg. Plan No. 3 of 1946, 11 F R. 7875, Pub. Law 525, 80th Cong., 2d Sess.)

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

Section 146.27–100 is amended by changing the description in column 1 under "burlap cloth (Hessian)" as follows:

§ 146.27–100 *Table K—Classification. Hazardous Articles.* * * *

Burlap cloth (Hessian)
Burlap bags, new.
Burlap bags, used and washed.
Burlap bags, vacuum cleaned, wheel cleaned, or otherwise mechanically brushed.

The originating bill of lading or other shipping paper covering used bags shall bear the shipper's certifying statement that the bags have been thoroughly washed or cleaned and all traces of the previous lading removed therefrom.

Bags showing stains from oil, grease, or organic oxidizing materials shall not be shipped.

Washed bags shall not be baled or shipped unless thoroughly dry.

Burlap bags, used and unwashed or uncleaned.

NOTE: See also "Bags, nitrate of soda, empty and unwashed" in the inflammable solids table.

(R. S. 4472, as amended, and sec. 5 (e), 55 Stat. 244, 46 U. S. C. 170, 50 U. S. C.

1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.002—LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 2, 3, 5 AND 6

1. Section 160.002-1 (a) is amended by changing subparagraph (4) and adding a new subparagraph (5), reading as follows:

§ 160.002-1 *Applicable specifications and plans*—(a) *Specifications.* * * *

(4) *Coast Guard Specification.* 164.003—Kapok, processed.

(5) *Joint Army-Navy specification.* JAN-C-496—Clips, End.

2. Section 160.002-3 is amended by changing paragraphs (a) (b) (f) (g), (h) and (i) to read as follows:

§ 160.002-3 *Materials.* * * *

(a) *Kapok.* The kapok shall comply with subpart 164.003 of this subchapter and shall be properly processed.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill without sizing, thread count approximately 74 x 60, having a minimum breaking strength of 100 pounds in the warp and 80 pounds in the filling when tested in accordance with Federal Specification CCC-T-191, and may be treated with a clear, uncolored, fire-resistive substance of an approved type. Cotton drills conforming to Navy Department Specification 27D1 (except as to color) or those meeting the requirements for Type A drill contained in Federal Specification CCC-D-651, are acceptable. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, Ninth Edition, issued by the Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N. Y. Samples of fabric conforming to this color requirement may be obtained upon request. The fastness of the color shall be rated "good" when tested in accordance with Federal Specification CCC-T-191, Section XIII, paragraph 2C, Test No. 2 for light, paragraph 4 for laundering, and paragraph 6 for water.

* * * * *

(f) *Tie tapes and drawstrings.* The tie tapes at the neck and the lower drawstrings shall be made of 1¼ inch cotton tape weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. The tie tapes and drawstrings shall not be treated with a fire-resistive substance.

(g) *Body strap.* The body strap shall be made of one-inch cotton webbing having a minimum breaking strength of 400 pounds. Types IIb, III, IV, V, or VI, 1" webbing meeting the requirements of U. S. Army Specifications 6-185, listed in § 160.002-1 are satisfactory.

(h) *Dee rings and tip.* The Dee rings and tip shall be made of brass or bronze. The Dee ring ends shall be welded together to form a complete ring. They shall be of the approximate size indicated by Dwg. No. F-49-6-1, Sheet 1, or by Dwg. No. F-49-6-5, Sheet 1, and the tip shall be a ball type end clip as described in Joint Army-Navy Specification JAN-C-496. When assembled, the complete body strap with Dee ring fastening arrangement shall have a breaking strength of not less than 360 pounds.

(i) *Reinforcing tape.* The reinforcing tape shall be made of ¾ inch cotton tape weighing not less than 0.18 ounce per linear yard and having a minimum breaking strength of 120 pounds. This cotton tape may be treated with an approved fire-resistive substance.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163-167, 346, and sec. 5 (e) 55 Stat. 244, as amended, 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526-526t, 1333, 50 U. S. C. 1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

3. Section 160.002-5 (a) is amended by adding the following sentence:

§ 160.002-5 *Inspections and tests*—(a) *General.* * * * The manufacturer shall provide a suitable place and necessary apparatus for the use of the inspector in conducting tests at the place of manufacture.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163-167, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526-526t, 1333, 50 U. S. C. 1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

SUBPART 160.003—LIFE PRESERVERS, CORK (JACKET TYPE), MODELS 31 AND 35

Part 160 is amended by adding a new subpart 160.003 reading as follows:

Sec.
160.003-1 Applicable specifications and plans.
160.003-2 Types and models.
160.003-3 Materials.
160.003-4 Construction.
160.003-5 Inspections and tests.
160.003-6 Marking.
160.003-7 Procedure for approval.

AUTHORITY: §§ 160.003-1 to 160.003-7, issued under R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, section 11 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163-167, 346, and section 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526-526t, 1333, 50 U. S. C. 1275, and section 101, Reorganization Plan No. 3 of 1946, F. R. 7875.

§ 160.003-1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) *Navy Department specification.*

27D1.....Drill, cotton, fire and weather-resistant.

(2) *Federal specifications.*

V-T-276..... Thread; cotton.
V-T-291..... Thread; linen.
CCC-D-651..... Drill, unbleached.
CCC-T-191..... Textiles; general specifications; test methods.
DDD-S-751..... Stitches; seams; and stitching.

(3) *Coast Guard specification.*

164.001..... Cork, sheet.

(b) *Plan.* The following plan of the issue in effect on the date life preservers are manufactured, forms a part of this subpart:

Dwg. No. 160.003-1 (b) Cork and balsa wood life preserver (adult).

§ 160.003-2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types and models:

Type A—Adult: Model 31—Adult cork life preserver (jacket type).
Type B—Child: Model 35—Child cork life preserver (jacket type).

§ 160.003-3 *Materials*—(a) *Cork.* The cork blocks shall comply with subpart 164.001 of this subchapter. Cork blocks from life preservers may be re-used if in good condition and in compliance with subpart 164.001 of this subchapter.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill without sizing, thread count approximately 74 x 60, having a minimum breaking strength of 100 pounds in the warp and 80 pounds in the filling when tested in accordance with Federal Specification CCC-T-191, and may be treated with a clear, uncolored, fire-resistive substance of an approved type. Cotton drills conforming to Navy Department Specification 27D1 (except as to color) or those meeting the requirements for Type A drill contained in Federal Specification CCC-D-651, are acceptable. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, Ninth Edition, issued by The Textile Color Card Association of the United States, Inc., 200 Madison Avenue, New York, N. Y. Samples of fabric conforming to this color requirement may be obtained upon request. The fastness of the color shall be rated "good" when tested in accordance with Federal Specification CCC-T-191, section XIII, paragraph 2C, Test No. 2 for light, paragraph 4 for laundering, and paragraph 6 for water.

(c) *Tie tapes and body straps.* The tie tapes at the neck and the lower body straps shall be 1¼ inch cotton tape, weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. The tie tapes and body straps shall not be treated with a fire-resistive substance.

(d) *Thread.* The thread shall be No. 25, three-cord linen complying with Table I of Federal Specification V-T-291, or heavy cotton thread, Type IIIB, designation 10/4, complying with Table IV of Federal Specification V-T-276. Alternate threads will be given special consideration.

§ 160.003-4 *Construction*—(a) *General.* This specification covers life preservers which essentially consist of a vest-cut envelope containing pockets in which are enclosed blocks of buoyant material, the life preserver being secured with tapes to provide reversibility and adjustment for fitting it to the body. The type shall conform to Dwg. No. 160.003-1 (b). Child size life preservers are to be of the same general form and construction and conform in every respect, as regard material and design, to the adult size with the exception that the

size is to be reduced approximately one-third.

(b) *Envelope.* The envelope shall be of not more than two pieces, one piece for either side, cut to the pattern shown on Dwg. No. 160.003–1 (b) for adult size, and joined by seams and stitching as shown on the drawing.

(c) *Buoyant material* — (1) *Dimensions.* The dimensions of the buoyant material for Type A, Adult size life preservers shall be as follows:

4 blocks—11" x 5" x 1⅞"
4 blocks— 6" x 5" x 1⅞"

(2) *Forming.* The corners and edges of the blocks shall be slightly rounded or beveled. The surface, edges, and corners of the buoyant material shall be of such smoothness as will prevent undue destruction of the covering and present a smooth surface to provide a suitable backing for legible stenciling or stamping on the cover of the required marking. If blocks are of more than one piece of buoyant material, the pieces shall be neatly fitted and secured together by waterproof glue or by dowel pins or skewers, or by a combination of waterproof glue and dowel pins or skewers.

(d) *Tie tapes and body straps.* The tie tapes at the neck and the two body straps (one body strap is located on each side of the life preserver) shall be secured by stitching through both thicknesses of the envelope as indicated by Dwg. 160.003–1 (b) and the free ends, which shall extend approximately 12 inches from the edges of the life preserver, shall be doubled over and stitched.

(e) *Stitching.* All machine stitching shall be short lock stitch, conforming to Stitch Type 301 of Federal Specification DDD–S–751, with not less than 7 nor more than 9 stitches to the inch. The lower longitudinal edge of the jacket shall be turned to a roll and rope stitched with double thread, not less than 2½ stitches to the inch, or it may be machine sewn.

(f) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.003–5 *Inspections and tests*—(a) *General.* An inspector shall examine all life preservers at the place of manufacture for compliance with this specification. Samples of materials entering into the construction may be taken at random by the inspector and tests made for compliance with the applicable requirements. After satisfying himself that the life preservers have been manufactured according to this specification, he shall select indiscriminately from each lot of 250 or less, at least one life preserver to be tested for buoyancy as specified by paragraph (b) of this section. If the specimen life preserver passes the buoyancy test, the lot shall be acceptable as to buoyancy. If the specimen life preserver fails the buoyancy test, ten additional specimen life preservers shall be selected at random from the lot and tested for buoyancy. If all the ten additional specimen life preservers pass the test, the lot shall be acceptable as to buoyancy. If any one of the ten additional specimen life preservers fails the buoyancy test, the lot shall be rejected. Rejected lots may be tested 100% by the manufacturer and all non-conforming units eliminated, whereupon the remainder of the lot may be re-submitted for official inspection. When any specimen life preserver shall fail the buoyancy test, ten specimen life preservers shall be selected at random and tested from the next succeeding lot submitted for official inspection. When the inspector has satisfied himself that the life preservers submitted for inspection are of a type officially approved in the name of the company, and that such life preservers meet the requirements of this specification, they shall be plainly marked in waterproof ink with the words, "Approved, U. S. Coast Guard, (Inspection date) (Inspector's initials) (Port)" The manufacturer shall provide a suitable place and the necessary apparatus for the use of the inspector in conducting tests at the place of manufacture.

(b) *Buoyancy test.* Place the life preserver in a weighted wire cage and submerge for forty-eight hours in a tank of fresh water so the top is approximately two inches below the surface. The weights shall be more than sufficient to submerge the cage with the enclosed life preserver. The buoyancy shall be determined to equal the weight of the weighted cage in the water less the weight of the cage in water while the life preserver is inside. The Type A Adult life preserver shall provide not less than 16½ pounds buoyancy, and the Type B Child life preserver shall provide not less than 11 pounds buoyancy.

§ 160.003–6 *Marking*—(a) *General.* Each life preserver shall be plainly marked in waterproof ink on a front compartment with the word, "Adult" or "Child" as the case may be, with the model number, the kind of buoyant material, the name and address of the manufacturer, and the official approval number assigned to the life preserver.

§ 160.003–7 *Procedure for approval*—(a) *General.* Life preservers are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Each model life preserver is considered separately. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located. The Commander of the district will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than ten life preservers already manufactured, not less than three life preservers for test in accordance with § 160.003–5 (b) A copy of the inspector's report, together with one specimen life preserver, will be forwarded to the Commandant for assignment of an official approval number.

SUBPART 160.004—LIFE PRESERVERS, BALSA WOOD (JACKET TYPE), MODELS 41 AND 45

Part 160 is amended by adding a new subpart 160.004 reading as follows:

Sec.
160.004–1 Applicable specifications and plans.
160.004–2 Types and models.
160.004–3 Materials.
160.004–4 Construction.
160.004–5 Inspections and tests.
160.004–6 Marking.
160.004–7 Procedure for approval.

AUTHORITY: §§ 160.004–1 to 160.004–7 issued under R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, section 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163–167, 346, and section 5 (o), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526–526t, 1333, 50 U. S. C. 1275, and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

§ 160.004–1 *Applicable specifications and plan*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) *Coast Guard Specifications.*

160.003—Life preservers, cork (jacket type) models 31 and 35.
164.002—Balsa Wood.

(b) *Plan.* This shall be the same as § 160.003–1 (b)

§ 160.004–2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types and models:

Type A — Adult: Model 41 — Adult balsa wood life preserver (jacket type).
Type B — Child: Model 45 — Child balsa wood life preserver (jacket type).

§ 160.004–3 *Materials* — (a) *Balsa wood.* Balsa wood blocks shall be new wood complying with subpart 164.002 of this subchapter of a density to meet the requirements for "Density B" Re-use of balsa wood blocks from old life preservers or other devices is not permitted.

(b) *Envelope.* This shall be the same as § 160.003–3 (b)

(c) *Tie tapes and body straps.* This shall be the same as § 160.003–3 (c)

(d) *Thread.* This shall be the same as § 160.003–3 (d)

(e) *Coating.* Coating for the balsa wood blocks shall be a suitable waterproofing substance, such as "Hydrotuf", "Synthetic Plasoleum," "Balsa Wood Coating," or other substance of equal quality and effectiveness.

NOTE: "Hydrotuf" "Synthetic Plasoleum", and "Balsa Wood Coating" are trade names for waterproof substances for covering balsa wood, and are furnished by the Atlantic-Pacific Mfg. Corp., 124 Atlantic Ave., Brooklyn 2, N. Y., Revertex Corp. of America, 3708 Northern Blvd., Long Island City, N. Y., and Akron Paint & Varnish Co., Akron, Ohio; respectively.

§ 160.004–4 *Construction*—(a) *General.* This shall be the same as § 160.003–4 (a)

(b) *Envelope.* This shall be the same as § 160.003–4 (b)

(c) *Buoyant material*—(1) *Dimensions.*—This shall be the same as § 160.003–4 (c) (1)

(2) *Forming.* This shall be the same as § 160.003–4 (c) (2)

(3) *Coating.* The balsa wood blocks shall be given a copious coating with a waterproof coating material which is in accordance with § 160.004–3 (e), and be allowed to dry thoroughly before being inserted in the pockets of the envelope.

(d) *Tie tapes and body straps.* This shall be the same as § 160.003–4 (d)

(e) *Stitching.* This shall be the same as § 160.003–4 (e)

(f) *Workmanship.* This shall be the same as § 160.003–4 (f)

§ 160.004–5 *Inspections and tests*—(a) *General.* This shall be the same as § 160.003–5 (a).

(b) *Buoyancy test.* This shall be the same as § 160.003–5 (b)

§ 160.004–6 *Marking*—(a) *General.* This shall be the same as § 160.003–6 (a).

§ 160.004–7 *Procedure for approval*—(a) *General.* This shall be the same as § 160.003–7 (a)

PART 162—ENGINEERING EQUIPMENT

Part 162 is amended by adding a new subpart 162.015 reading as follows:

SUBPART 162.015—FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS) FOR MERCHANT VESSELS AND MOTORBOATS

Sec.
162.015–1 Applicable specifications.
162.015–2 Type.
162.015–3 Materials, construction, and workmanship.
162.015–4 Inspections and testing.
162.015–5 Marking.
162.015–6 Procedure for approval.

AUTHORITY: §§ 162.015–1 to 162.015–6 issued under R. S. 4405, and 54 Stat. 163–167, as amended; 46 U. S. C. 375, 526–526t, and section 101, Reorganization Plan No. 3 of 1946.

§ 162.015–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart.

§ 162.015–2 *Type.* (a) This specification covers the design and construction of backfire flame arresters of the type intended for installation on carburetor air intakes of internal combustion engines. The term "backfire flame arrester" means any device or assembly of a cellular, tubular, or baffle arrangement, or such other type as may be approved by the Commandant, which is suitable for arresting the propagation of backfire flame to the surrounding atmosphere through the air intakes.

§ 162.015–3 *Materials, construction, and workmanship.* (a) The device shall be of first class workmanship and shall be free from imperfections of manufacture which may affect its serviceability.

(b) The device or assembly shall be of substantial construction and shall be capable of withstanding internal pressures resulting from explosions without distortion or damage.

(c) The flame arrester housing and grid element shall be of such corrosion-resistant material as may be accepted by the Commandant.

(d) The design and construction of the flame arrester shall permit easy inspection and cleaning of the grid or arrester element.

(e) Non-metallic materials shall not be permitted in the construction of the backfire flame arrester.

(f) The arrester grid element shall be fitted on or in the arrester body in such a manner as to prevent the flame from by-passing the element. All joints in the flame arrester, which are subjected to explosive pressures, shall be of the metal-to-metal type. Gasketed joints will not be permitted.

(g) Arrester element shall be so designed as to permit minimum restriction to the flow of air through the intake.

(h) The flame arrester assembly shall be so constructed that its effectiveness will not be impaired by vibrations encountered under actual service conditions.

(i) Means shall be provided to securely fasten the device to the air intake by pipe threaded connection, clamp, or clamp screws, or by such means as may be accepted by the Commandant.

(j) The housing of the arrester shall be designed to withstand the internal pressures resulting from explosions without distortion or damage.

§ 162.015–4 *Inspections and testing*—(a) *General.* Backfire flame arresters for carburetors may be subject to inspection and tests at the plant of the manufacturer. The inspector may conduct such tests and examinations as may be necessary to determine compliance with this specification.

§ 162.015–5 *Marking.* (a) Each backfire flame arrester shall be permanently and legibly marked with the style, type, or other designation of the manufacturer, the size, and the name or registered trademark of the manufacturer.

§ 162.015–6 *Procedure for approval*—(a) *General.* Backfire flame arresters installed on carburetors of internal combustion engines shall be approved for such use on merchant vessels and motorboats only by the Commandant, U. S. Coast Guard, Washington 25, D. C. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Drawings and specifications.* Manufacturers desiring approval of a new design or type of backfire flame arrester shall submit drawings in quadruplicate showing the design of the device, the sizes and material specifications of component parts, and the detail construction of the arrester element.

(c) *Pre-approval tests.* Before approval is granted, manufacturers may have tests conducted, or submit evidence that such tests have been conducted, and the backfire flame arrester has been found acceptable by the U. S. Navy, Underwriters' Laboratories, Factory Mutual Laboratories, or by a properly supervised and inspected test laboratory acceptable to the Commandant, relative to determining the vapor-air explosion resistance of representative samples of the device in the size for which approval is desired. The explosion resistance tests shall conclusively indicate that, (1) the device can withstand the maximum explosive pressures of vapor-air test mixtures, and (2) the device can resist the propagating effects of the vapor-air test mixture, without distortion or damage.

Dated: October 27, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-9603; Filed, Oct. 29, 1948; 8:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 776, Amdt. 5]

PART 95—CAR SERVICE

CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of October A. D. 1948.

Upon further consideration of Revised Service Order No. 776 (13 F. R. 2380), as amended (13 F. R. 2570, 2679, 3763, 5571) and good cause appearing therefor: It is ordered, that:

Section 95.776 *Car demurrage on State Belt Railroad of California* of Revised Service Order 776, as amended, be further amended by cancelling the exception to paragraph (a) (2) thereto originally established in Amendment No. 2.

Application. Demurrage charges provided in the original order shall apply on cars described in current official Railway Equipment Register under headings, Class G—Gondola Car Type, Class H—Hopper Car Type, and Class LO—Special Car Type on and after the effective date hereof.

It is further ordered, that this amendment shall become effective at 7:00 a. m., November 1, 1948, and shall vacate Amendment No. 2 on the effective date hereof; and a copy be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9553; Filed, Oct. 29, 1948; 8:48 a. m.]

[Rev. S. O. 775, Amdt. 6]

PART 95—CAR SERVICE

DEMURRAGE ON RAILROAD FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of October A. D. 1948.

Upon further consideration of Revised Service Order No. 775 (13 F. R. 2379) as amended (13 F. R. 2679, 3763, 5238, 5571), and good cause appearing therefor: It is ordered, that:

Section 95.775 *Demurrage on railroad freight cars* of Revised Service Order 775, as amended be further amended by cancelling the exception to paragraphs (a) and (b) thereof, originally established in Amendment No. 2.

Application. Demurrage charges provided in the original order shall apply on cars described in current official Railway Equipment Register under headings, Class G—Gondola Car Type, Class H—Hopper Car Type, and Class LO—Special Car Type on and after the effective date hereof.

It is further ordered, that this amendment shall become effective at 7:00 a. m., November 1, 1948, and shall vacate Amendment No. 2 on the effective date hereof; and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9557; Filed, Oct. 29, 1948; 8:48 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF IRISH POTATOES OR IRISH POTATOES AND ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[General Permit ODT 18A, Rev. 45]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF IRISH POTATOES OR IRISH POTATOES AND ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.546 *Shipments of Irish potatoes or Irish potatoes and onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F R. 8229, 8829, 10616, 13320, 14172; 12 F R. 1034, 2386; 13 F. R. 2971) or in Items 470, 475, 495, 500, and 600 of Special Direction ODT 18A-2A, as amended (9 F R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F R. 1358, 13793, 14114, 12 F. R. 8025; 13 F R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of a straight shipment of Irish potatoes or a mixed shipment of Irish potatoes and onions, when, in either case, such carload freight originates at a point in the States of California, Oregon, Washington, Idaho, or Utah and is loaded to a weight not less than 40,000 pounds.

This General Permit ODT 18A, Revised–45, shall become effective October 27, 1948, and shall expire February 28, 1949.

(54 Stat. 676, 55 Stat, 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong., 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F R. 6725; E. O. 9389, Oct. 18, 1943, 8 F R. 14163; E. O. 9729, May 23, 1946, 11 F R. 5641, E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 26th day of October 1948.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 48-9556; Filed, Oct. 29, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 930]

[Docket No. AO-72-A13]

HANDLING OF MILK IN TOLEDO, OHIO, MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 12 F R. 1159, 4904) notice is hereby given of a public hearing to be held at Rooms A, B and C, Y. M. C. A., 1110 Jefferson Avenue, Toledo, Ohio, beginning at 9:30 a. m., e. s. t., November 4, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, milk marketing area (7 CFR, Supps. 930.0 et seq., 12 F. R. 2067, 6945, 13 F R. 2327, 4275) These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the establishment of Class I and Class II prices for a limited period of time, in 1948 and 1949.

The following amendments have been proposed:

1. Amend § 930.5 (a) (1) and (2) to provide that the prices for Class I and Class II milk for a limited period in 1948 and 1949 but not beyond February, 1949, shall not be less than the prices in effect for such classes of milk in September, 1948.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, Room 19, Old Federal Building, Toledo, Ohio, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 27, 1948.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator*

[F. R. Doc. 48-9584; Filed, Oct. 29, 1948; 8:54 a. m.]

[7 CFR, Part 965]

[Docket No. AO-166-A10]

CINCINNATI, OHIO, MILK MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing on a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, heretofore scheduled (13 F R. 6270) to begin at 10:00 a. m., e. s. t., in the Crystal Room, Hotel Sinton, Fourth and Vine Streets, Cincinnati, Ohio, on October 30, 1948, is postponed and shall instead begin at the same place at 10:00 a. m., e. s. t., on November 3, 1948.

Dated: October 27, 1948.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator*

[F. R. Doc. 48-9583; Filed, Oct. 29, 1948; 8:54 a. m.]

[7 CFR, Part 946]

[Docket No. AO-123-A9]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended

(7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, 900.1 et seq., 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at Seelback Hotel, Louisville, Kentucky, beginning at 10:00 a. m., c. s. t., November 5, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area (7 CFR, Supps. 946.0 et seq., 13 F. R. 5112). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the establishment of Class I and Class II prices for a limited period of time in 1948 and 1949.

The following amendment has been proposed:

1. Amend § 946.4 (b) (1) and (b) (2) by adding a proviso to provide that the prices for Class I and Class II milk for a limited period in 1948 and 1949, but not beyond March 1949, shall not be less than the prices in effect for such classes of milk in September 1948.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, 1235 Starks Building, Louisville, Kentucky, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 28, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-9597; Filed, Oct. 29, 1948, 9:00 a. m.]

[7 CFR, Part 978]

HANDLING OF MILK IN NASHVILLE, TENNESSEE, MILK MARKETING AREA

[Docket No. AO 184-A2]

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held in the County Court Room, 4th Floor, County Court House, Nashville, Tennessee, beginning at 10:00 a. m., c. s. t., on November 4, 1948, for the purpose of receiving evidence with respect to a proposed amendment hereinafter set forth to the tentative marketing agreement, as heretofore approved (13 F. R. 5281) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, milk marketing area (13 F. R. 5526). This proposed amendment has not received the approval of the Secretary of Agriculture.

The following amendment has been proposed by Nashville Milk Producers, Inc:

Delete § 978.5 (b) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk is the basic formula price plus $1.25: *Provided,* That for the months of October, November, and December, 1948, and January and February, 1949, the price for Class I milk shall not be less than $5.665.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus 75 cents: *Provided,* That for the months of October, November, and December, 1948, and for the months of January and February, 1949, the price for Class II milk shall not be less than $5.165.

Copies of this notice of hearing and of the tentative marketing agreement, and the order now in effect, may be procured from the market administrator, 402 Presbyterian Building, Nashville 3, Tennessee, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-9598; Filed, Oct. 29, 1948; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket Nos. 8975, 8736, 9175]

TELEVISION AND FREQUENCY MODULATION BROADCASTING SERVICES

NOTICE OF ISSUANCE OF PROPAGATION STUDIES

In the matter of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8975 and 8736. In the matter of amendment of the Commission's rules, regulations and standards concerning the television and frequency modulation broadcasting services, Docket No. 9175.

I. In accordance with section IV (A) of the Commission's notice of further proposed rule making in the above-entitled matters, issued on October 15, 1948, notice is hereby given of the issuance of the following technical reports by the Commission:

(A) T. I. D. Report 2.4.5. "Summary of tropospheric propagation measurements and the development of empirical VHF propagation charts", October 20, 1948.

(B) T. I. D. Report 4.2.1. "The log-normal distribution", October 19, 1948.

(C) T. I. D. Report 2.4.4. "East Coast Tropospheric and sporadic "E" field intensity measurements on 47.1, 106.5 and 700 Mc.", September 24, 1948.

(D) T. I. D. Report 2.1.3. "Terrain effects evidenced by three sets of data in the very high frequency band." October 15, 1948.

II. The above reports are highly technical in nature and are somewhat voluminous. They have been reproduced in sufficient quantity to permit distribution to all interested persons and in particular to those who expect to participate in the engineering conferences scheduled tentatively for November 30, December 1, and December 2, 1948. Copies of these reports may be obtained at the Commission's Office of Information or by addressing a request therefor to the attention of the Commission's Technical Information Division, Washington, D. C.

III. The following summaries of the above reports have been prepared in order to apprise persons not requesting copies thereof of the significance of the reports in the present proceedings. The numbers in parentheses refer to the corresponding items in the Commission's notice of October 15, 1948.

(A) *T. I. D. Report 2.4.5. (IV A 1).* This report contains a tabulation of the results of 36 series of measurements of tropospheric fields, on frequencies between 40 and 700 megacycles, over distances between 33 and 337 miles and over periods from one month to about one year. These data are analyzed to develop empirical laws governing the range of variation of the fields and the absolute field intensities, as affected by transmitting antenna height, distance and frequency. Application of the laws permits the development of four families of tropospheric propagation curves at frequencies of 63, 82, 98, and 195 megacycles, from which it is possible to predict the intensities of tropospheric fields which will be exceeded for various percentages of time at various distances from the transmitter. Nominal transmitting and receiving antenna heights of 500 feet and 30 feet are used for these curves. The report also includes a study of the simultaneous fading of two signals over similar paths, from which it is concluded that the fading is random. This means, that from an interference standpoint, the variation of the desired signal from tropospheric effects cannot be relied upon to compensate even in part for an increase in the undesired signal from tropospheric effects. To the contrary, the variation of both the desired and the undesired signals contributes to the degradation of service. Reference is made in the report to a method of evaluating these effects, which is developed in the following report.

(B) *T. I. D. Report 4.2.1. (IV A 2)* As indicated above, this report comprises a study of the effects on service of the simultaneous fading of both the desired and the undesired signals. For cochannel interference, where the undesired field intensities vary much more than the desired, the use of groundwave (median) fields against percentage time tropospheric fields will give a closely approximate answer. For the adjacent channel case, where both the desired and undesired fields vary in comparable amounts, percentage fields should be used for both, if a nearly correct answer is to be had.

(C) *T. I. D. Report 2.4.4. (IV A 3)* This is a report on measurements made at Princeton, N. J., Southampton, Pa., and Laurel, Md., on frequencies of 47.1,

106.5, and 700 megacycles, radiated from transmitters in New York City. Results are given in terms of instantaneous time vs field intensity distributions, and in the diurnal and seasonal variations in field intensities. The results of the measurements described in this report are included in the tabulation referred to in T. I. D. Report 2.4.5.

(D) *T. I. D. Report 2.1.3 (IV A 4)* When this study was begun, it was supposed that terrain effects might be distinguishable into two general classes, gross effects and detailed effects. That is, it was supposed that measurements along a radial might show that various sectors of the radial would evidence individually an overall shadowing, while within a sector the terrain effect might appear as a random variation of field intensity, perhaps independently of the extent of the general shadowing. The analyses reported here, based on three coverage surveys, tend to support the supposition that the random variation within a sector is independent of the shadowing, and falls principally into two categories depending upon whether the relatively near terrain is smooth or rough. It has not been possible however, to arrive at any quantitative correlation between shadowing by gross features of the terrain and average signal levels in shadowed areas. The attack on this problem is being continued and an answer is hoped for in time for consideration at the first conference. As indicated during the Industry-Commission conference of September 13, 1948, in this proceeding, the problem of shadowing by gross features of terrain is not felt to be of great importance in the overall allocation plan, but may affect specific allocations, with some of which experience has been had to date.

IV All interested parties are invited to submit written data, views or arguments with respect to the subject matter treated in the above reports on or before the date of commencement of said engineering conferences. An original and 14 copies of all written material filed shall be furnished the Commission.

Adopted: October 21, 1948.

Released: October 22, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9572; Filed, Oct. 29, 1948; 8:52 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556) and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102)

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Veterans of Foreign Wars of the U. S., care of Veterans' Hospital, Tuskegee, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective October 25, 1948, and expires October 15, 1949.

Goodwill Industries of Wilmington, Inc., 214–216 Walnut Street, Wilmington, Delaware; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective November 1, 1948, and expires October 31, 1949.

Maryland League for Crippled Children, 827 St. Paul Street, Baltimore, Maryland; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective November 1, 1948, and expires October 31, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 22d day of October 1948.

JACOB I. BELLOW,
Assistant Director, Field Operations Branch.

[F. R. Doc. 48-9546; Filed, Oct. 29, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-179]

ACCIDENT OCCURRING AT CORDOVA, ALASKA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-4111 which occurred at Cordova, Alaska, on September 29, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, November 4, 1948, at 9:00 a. m. (local time) in the Federal Building, Anchorage, Alaska.

Dated at Washington, D. C., October 26, 1948.

[SEAL] ROBERT W CHRISP,
Presiding Officer

[F. R. Doc. 48-9585; Filed, Oct. 29, 1948; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

WBBZ

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on August 26, 1948 there was filed with it an application (BAPL-40) for its consent under section 310 (b) of the Communications Act to the proposed as-

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

signment of license for station WBBZ, Ponca City, Oklahoma, from Adelaide Lillian Carrell to The Ponca City Publishing Company. The proposal to assign the license arises out of a contract of June 16, 1948 pursuant to which the assignor will transfer station facilities, properties and certain contracts for $115,000 payable as follows: $10,000 to be deposited in escrow, $24,000 in cash to be paid within 10 days after Commission consent to the assignment, and three notes to be delivered to the assignee, one note for $38,000 due one year after Commission consent, another note for $38,000 due one year later, and a third for $5,000 due three years after such Commission consent. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 7, 1948 that starting on September 1, 1948 notice of the filing of the application would be inserted in The Ponca City News, a newspaper of general circulation at Ponca City, Oklahoma in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 1, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9573; Filed, Oct. 29, 1948; 8:52 a. m.]

BLUEGRASS BROADCASTING CO., INC.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on September 27, 1948, there was filed with it an application (BTC-688) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Bluegrass Broadcasting Company, Inc., licensee of station WVLK, Versailles, Kentucky, from the licensee's current stockholders to Scripps-Howard Radio, Inc. The proposal to transfer control arises out of a contract of September 13, 1948, pursuant to which the transferee will buy 1,000 shares (100%) of common stock and 380 shares (100%) of preferred stock of the licensee for $185.86 per share of common and $103 per share of preferred. The transferee also agrees to reimburse the licensee corporation for 50% of any net losses sustained by it during the period from September 13, 1948, to the date of consummation of the transfer: *Provided,* That the total amount of such reimbursement shall not exceed $25,000. The transferors warrant that the licensee will be free and clear of liabilities as of the closing date. The proposal to transfer control of the licensee is contingent upon Commission approval of a pending application to relocate station WVLK at Cincinnati, Ohio. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 27, 1948, that starting on October 1, 1948, notice of the filing of the application would be inserted in the Lexington Leader, a newspaper of general circulation at Lexington, Kentucky, and in the Woodford Sun at Versailles, Kentucky, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 1, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9574; Filed, Oct. 29, 1948; 8:52 a. m.]

WHAS, INC.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on October 11, 1948 there was filed with it an application (BTC-690) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of WHAS, Inc., permittee and/or licensee of WHAS, WHAS-FM, WHAS-TV, W9XEK, W9XWT, WHAE, WAUV WAUJ, WAIC, WALM, WALN and WFJJ from the Courier-Journal and Louisville Times Company to Crosley Broadcasting Corporation. The proposal to transfer control arises out a contract of September 27, 1948 pursuant to which Crosley Broadcasting Corporation agrees (1) to purchase all the common stock of WHAS, Inc., consisting of 1,500 shares, for the sum of $1,925,000, subject to certain credits and adjustments and (2) to guarantee compliance by WHAS, Inc., with a certain ten-year lease of portions of a building now under construction at Sixth and Broadway, Louisville, Kentucky, for rental of $75,000 per annum. Said purchase price to be paid as follows: $75,000 paid as a down payment upon execution of contract and the balance to be paid in cash upon transfer of said stock. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on October 11, 1948 that starting on October 12, 1948 notice of the filing of the application would be inserted in the Courier-Journal a newspaper of general circulation at Louisville, Kentucky in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 12, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9575; Filed, Oct. 29, 1948; 8:52 a. m.]

FEDERAL POWER COMMISSION

BLACK HILLS POWER AND LIGHT CO.

[Docket No. E-6165]

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 27, 1948.

Notice is hereby given that, on October 26, 1948, the Federal Power Commission issued its order entered October 26, 1948, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9562; Filed, Oct. 29, 1948; 8:49 a. m.]

[Docket Nos. G-1041, G-1046, G-1049, G-1050, G-1101, G-1107, G-1103]

COUNCIL BLUFFS GAS CO. ET AL.

ORDER PROVIDING FOR OMISSION OF INTERMEDIATE PROCEDURE AND FIXING DATE FOR ORAL ARGUMENT

OCTOBER 25, 1948.

Council Bluffs Gas Company, Docket No. G-1107; Central Electric & Gas Company, Docket No. G-1041, Minnesota Valley Natural Gas Company, Docket No. G-1046; Minneapolis Gas Light Company, Docket No. G-1049; Hastings Gas Company, Docket No. G-1050; Iowa-Illinois Gas and Electric Company v. Northern Natural Gas Company, Docket No. G-1101, in the matter of Northern Natural Gas Company, Docket No. G-1103.

It appears to the Commission that:

(a) A public hearing in the above-docketed proceedings was held in Oma-

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

ha, Nebraska, before a Trial Examiner of the Commission during the period from September 28, 1948, to October 7, 1948.

(b) The issues presented at such hearing pertain to the establishment of an equitable, just and reasonable method of apportionment of additional volumes of natural gas which, from time to time, will become available as Northern Natural Gas Company ("Northern") makes additions to, and increases the capacity of, its pipeline system.

(c) On or about October 27, 1948, Northern, by reason of the installation of additional facilities will have increased its system capacity from 390,000 Mcf to 425,000 Mcf with a salable increase in deliverability from 372,060 Mcf to 398,877 Mcf. The method of apportionment approved or established by the Commission as a result of the above-docketed proceedings will be applicable to such increased deliverability.

(d) At the hearing there were presented in evidence four proposed plans for the "Apportionment of Limited Increases in Contract Demand." These plans may be referred to as the "March 3d Proposal" the "June 9th Proposal" the "Iowa-Illinois, or Straight-line Proposal"; and the "Combined Method."

(e) Subsequent to the conclusion of the hearing, Northern, by letter dated October 15, 1948, advised the Commission that it was on that day transmitting to each of its gas utility customers a general letter and a form of temporary supplemental contract by the terms of which Northern proposes to make "effective for the period from October 27, 1948, until the beginning of the first billing month following receipt of an order in Docket No. G–1108" an interim plan of allocation. Copies of Northern's letter to its gas utility customers, and its proposed temporary supplement to standard form of town border contract were enclosed with the letter to the Commission dated October 15, 1948.

(f) In the letter to its gas utility customers, dated October 15, 1948, Northern advised such customers that on or about October 27, 1948, Northern's system capacity would reach 425,000 Mcf per day, and to permit the use of the salable portion of this capacity on a firm basis, Northern was offering a temporary allocation of additional contract demand up to the volume shown in the so-called "June 9th Proposal," which has been received in evidence at the public hearing in the above-docketed proceedings. Northern further advised such gas utility customers as follows:

> In the event we do not receive your signed temporary contract or an expression of your desire for a lesser temporary Contract Demand to enable us to complete and send this Temporary Supplemental Contract to Federal Power Commission before October 27, 1948, we will assume that we are then at liberty to reallocate among the remaining Gas Utilities the amount of the temporary increase which has been offered and not accepted by you.

(g) Thereafter numerous protests were received by the Commission from Northern's gas utility customers, who had participated in the hearing in the above-docketed proceedings, concerning Northern's proposal to enter into contracts providing for an interim allocation of increased capacity which will become available on or about October 27, 1948. In such protests, it is alleged, among other things, that if the temporary allocation were to become effective, many new customers would be furnished service in cities where a later withdrawal of such allocation would create hardships and make it very difficult for the Commission to render a fair decision; that it would cause some utilities to pay a higher demand charge than the actual demand they might eventually receive; and that the interim plan would prejudice the rights of Northern's utility customers.

(h) On October 20, 1948, Iowa-Illinois Gas and Electric Company, a complainant in the above-docketed proceedings, filed in the United States District Court for the Northern District of Iowa, Central Division, Action No. 409-Civil, a complaint for injunction, praying that "a temporary writ of injunction issue against the defendant, Northern Natural Gas Company, restraining said defendant from entering into or signing any contract as proposed by the letter of October 15, 1948, and restraining said defendant company from in any wise allocating the thirty-five million cubic feet per day of gas of its increased capacity on the basis of its proposal of June 9th of the letter of October 15th, and that the said defendant company be restrained from in any wise changing the present method of allocation existing between its customers throughout the States of Nebraska, South Dakota, Iowa and Minnesota until final decision of the Federal Power Commission as provided by Law." On the same day, October 20, 1948, a temporary restraining order was issued against Northern restraining the doing of the acts specified in the prayer of the complaint. The hearing before the District Court with respect to the application of Iowa-Illinois Gas and Electric Company for a temporary injunction which had been set for October 23, 1948, was on that date continued to October 29, 1948, which is subsequent to the date upon which the increased capacity of Northern's system could be made available to ultimate consumers of natural gas by Northern's gas utility customers. Until such hearing is held the temporary restraining order is to remain in full force and effect.

(i) That until such time as a method or plan of apportionment of limited increases in Northern's system capacity is approved or prescribed by the Commission natural gas which could be made available to domestic consumers of natural gas, particularly for househeating, will be resold by Northern's utility customers for industrial use under arrangements provided only for an interruptible supply.

(j) The Commission's Trial Examiner has fixed November 1, 1948 as the date for filing initial briefs in these proceedings, and November 10, 1948, as the date for filing reply briefs.

Wherefore, in view of the foregoing, the Commission finds that:

(1) The due and timely execution of its functions imperatively and unavoidably requires that the Commission omit the intermediate decision procedure and render the final decision in these proceedings.

(2) Good cause exists for providing opportunity for oral argument before the Commission and for advancing the date for the filing of reply briefs as hereinafter ordered.

The Commission orders that:

(A) The intermediate decision procedure in these proceedings be omitted in accordance with the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

(B) Oral argument be had before the Commission on November 5, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

(C) The reply briefs, if any, be filed by the parties on or before the date fixed for oral argument herein.

Date of issuance: October 26, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9565; Filed, Oct. 29, 1948; 8:49 a. m.]

[Docket No. G-1139]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 26, 1948.

Upon consideration of the application filed October 8, 1948, by Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 20, 1948 (13 F R. 6128)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 10, 1948, at 9:30 a. m. (e. s. t.) in the Hear-

ing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 26, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9563; Filed, Oct. 29, 1948; 8:49 a. m.]

[Docket No. G-1147]

PANHANDLE EASTERN PIPE LINE CO.

ORDER INSTITUTING INVESTIGATION

OCTOBER 26, 1948.

It appearing to the Commission that:

(a) Panhandle Eastern Pipe Line Company (Panhandle Eastern) a natural-gas company subject to the jurisdiction of this Commission, operates a natural-gas pipe line from the Panhandle, Texas, and Hugoton, Kansas, and Oklahoma fields into the State of Michigan. The pipe line indirectly serves a population of 6,000,000 people in 309 communities. The natural gas which it transports and sells in interstate commerce is partly produced by Panhandle and partly purchased.

(b) Panhandle Eastern has caused the formation of the Hugoton Production Company, to which it has transferred, in exchange for the Company's stock, approximately 97,000 acres in Grant and Stevens Counties, Kansas, in the Hugoton field. The natural gas reserves underlying such acreage have been estimated by Panhandle Eastern to be approximately 700 billion cubic feet. It is planned to distribute the stock of Hugoton Production Company to Panhandle Eastern stockholders as a dividend.

(c) Hugoton Production Company has entered into or is negotiating contracts for the sale of natural-gas produced from such acreage in Grant and Stevens Counties, Kansas, to a party or parties other than Panhandle Eastern.

(d) Panhandle Eastern in support of its numerous and several applications to this Commission for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, has represented to the Commission the continuing availability to it of certain natural-gas reserves, and the issuance of such certificates has been justified, in part, by such representations.

The Commission orders that: An investigation be and it hereby is instituted, pursuant to the provisions of section 14 of the Natural Gas Act, of the facts and circumstances involved in the formation and proposed operation of the Hugoton Production Company and the transfer to said company by Panhandle Eastern of the natural-gas reserves referred to above.

Date of issuance: October 26, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9564; Filed, Oct. 29, 1948; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 30031]

ALABAMA INTRASTATE EXPRESS RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of October A. D. 1948.

It appearing, that a petition has been filed on behalf of Railway Express Agency, Incorporated, a common carrier of express, principally by railroad, operating to, from and between points in the State of Alabama, averring that in Ex Parte No. 163, "Increased Express Rates and Charges," 1946, 266 I. C. C. 369 and 269 I. C. C. 161, this Commission authorized certain increases in interstate express rates and charges throughout the United States, which were established December 13, 1946, and October 25, 1947, respectively, and by order dated December 16, 1947, in said proceeding, authorized the publication, subject to protest and possible suspension, of certain additional increases in interstate express rates and charges, which became effective January 22, 1948; and that the Public Service Commission of the State of Alabama has refused to authorize or permit said petitioner to apply to the transportation of express, moving intrastate by railroad in Alabama, increases in rates and charges corresponding to those approved for interstate application in the proceeding above cited:

It further appearing, that said petitioner alleges that the intrastate express rates and charges which it is required to maintain for the transportation of property as aforesaid, moving intrastate by railroad in Alabama as a result of such refusal by the Public Service Commission of the State of Alabama, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination, against interstate and foreign commerce;

And it further appearing, that the said petition brings in issue express rates and charges made or imposed by authority of the State of Alabama:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested, to determine whether the express rates and charges of the Railway Express Agency, Incorporated, between points in Alabama made or imposed by authority of the State of Alabama cause undue or unreasonable advantage, preference, or prejudice between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what express rates and charges, if any, or what maximum or minimum or maximum and minimum express rates and charges shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, as may be found to exist.

It is further ordered, That the Railway Express Agency, Incorporated, be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of Alabama be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Public Service Commission of the State of Alabama at Montgomery, Ala.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C..

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing December 6, 1948, 9:30 o'clock a. m., U. S. standard time, at the rooms of the Public Service Commission of the State of Alabama, Montgomery, Ala., before Examiner Chester E. Stiles.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9559; Filed, Oct. 29, 1948; 8:48 a. m.]

[No. 30032]

MISSISSIPPI INTRASTATE EXPRESS RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of October A. D. 1948.

It appearing, that a petition has been filed on behalf of Railway Express Agency, Incorporated, a common carrier of express, principally by railroad, operating to, from, and between points in the State of Mississippi, averring that in Ex Parte No. 163, "Increased Express Rates and Charges, 1946," 269 I. C. C. 161, this Commission authorized certain increases in interstate express rates and charges throughout the United States, which were established October 25, 1947, and by order dated December 16, 1947, in said proceeding, authorized the publication, subject to protest and possible suspension, of certain additional increases in interstate express rates and charges, which became effective January 22, 1948; and that the Mississippi Public Service Commission, by orders dated March 4, 1948, and June 3, 1948, respectively, has

refused to authorize or permit said petitioner to apply to the transportation of express, moving intrastate by railroad in Mississippi, increases in rates and charges corresponding to those approved for interstate application in the proceeding above cited:

It further appearing, that said petitioner alleges that the intrastate express rates and charges which it is required to maintain for the transportation of property as aforesaid, moving intrastate by railroad in Mississippi as a result of such refusals by the Mississippi Public Service Commission, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination, against interstate and foreign commerce;

And it further appearing, that the said petition brings in issue express rates and charges made or imposed by authority of the State of Mississippi:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested, to determine whether the express rates and charges of the Railway Express Agency, Incorporated, between points in Mississippi made or imposed by authority of the State of Mississippi cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what express rates and charges, if any, or what maximum or minimum or maximum and minimum express rates and charges shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, as may be found to exist.

It is further ordered, That the Railway Express Agency, Incorporated, be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of Mississippi be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Mississippi Public Service Commission at Jackson, Miss.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C..

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing December 9, 1948, 9:30 o'clock a. m., U. S. standard time, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Chester E. Stiles.

By the Commission, Division 1.

[SEAL] W P. BARTEL,
Secretary.

[F. R. Doc. 48-9560; Filed, Oct. 29, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1088]

PEPPERELL MANUFACTURING CO.

ORDER DETERMINING VALUE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of October A. D. 1948.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the Capital Stock, Par Value $20.00, of Pepperell Manufacturing Company, a Massachusetts corporation, is substantially equivalent to the Capital Stock, Par Value $20.00, of Pepperell Manufacturing Company, a voluntary association organized under a Declaration of Trust executed in the State of Maine on March 15, 1915. The Capital Stock of this association has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Capital Stock, Par Value $20.00, of Pepperell Manufacturing Company, a Massachusetts corporation, is hereby determined to be substantially equivalent to the Capital Stock, Par Value $20.00, of Pepperell Manufacturing Company, a voluntary association organized under Declaration of Trust, heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-9549; Filed, Oct. 29, 1948; 8:46 a. m.]

[File Nos. 54-66, 59-35, 59-61]

FEDERAL WATER AND GAS CORP. ET AL.

NOTICE OF FILING OF PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 22d day of October A. D. 1948.

In the matter of Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; Federal Water and Gas Corporation and subsidiary companies, Respondents, File No. 59-61, New York Water Service Corporation, Federal Water and Gas Corporation, File No. 59-35.

I. Notice is hereby given that Federal Water and Gas Corporation ("Federal"), a registered holding company, filed a plan on October 11, 1948, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, proposing the distribution of certain of its assets to its security holders. The plan is stated to be in further compliance with the Commission's opinions and orders dated February 10, 1943, July 2, 1948, and July 27, 1948. In connection with this plan Federal requests this Commission to find that certain claims, as more fully described below, asserted by New York Water Service Corporation ("New York"), a former subsidiary of Federal, are not enforceable against Federal. All interested persons are referred to said plan, which is on file in the office of the Commission, for a full statement of the transactions therein proposed, which may be summarized as follows:

Federal proposes to distribute to its stockholders of record on a date to be fixed by the Board of Directors .5 of a share of common stock of Federal's subsidiary, Scranton-Spring Brook Water Service Company ("Scranton"), for each share of Federal stock owned. Scrip will be issued in lieu of fractional shares of Scranton. Federal will deliver to The New York Trust Company, as agent in making said distribution, 488,213 shares of common stock of Scranton. Federal now owns a total of 794,054 shares of Scranton. The balance of such shares has been reserved by Federal to meet certain claims asserted by Chenery Corporation and associates ("Chenery et al.") as they may eventually be adjudicated and to discharge all other liabilities of Federal.

Holders of certificates of stock of Federal Water Service Corporation and Utility Operators Company (companies in the merger through which the present Federal Water and Gas Corporation was created) who were authorized, pursuant to the merger agreement dated October 31, 1941, to exchange their stock certificates for stock of Federal but have failed to present such certificates for exchange, will be entitled to participate in the said distribution upon exchanging said stock certificates for common stock of Federal before the record date. After the record date and until December 29, 1950, said stockholders of Federal Water Service Corporation and Utility Operators Company may participate in the distribution upon first surrendering their certificates to The New York Trust Company, as distributing agent, in exchange for certificates of common stock of Federal.

As soon as practicable after December 29, 1950, The New York Trust Company will sell at public or private sale any stock of Scranton which it shall not have theretofore delivered to stockholders and thereafter will hold the net proceeds of said sale, together with any dividends which may have been received by The New York Trust Company on such undistributed stock, for the benefit of the persons who had been entitled to such undistributed stock.

Scrip which will be issued in lieu of fractional shares, when combined with other scrip aggregating one or more full shares of Scranton's common stock, may be exchanged for full shares of Scranton at any time on or before December 29, 1950. Thereafter the holders of any scrip may receive their proportionate interest in the cash proceeds of sale of such stock and in any dividends that may have been received by The New York Trust Company upon such stock.

Federal requests that any order of the Commission approving the plan shall contain the provisions and recitals nec-

essary or appropriate to entitle the stockholders of Federal to the benefits of Supplement R and section 1808 (f) of the Internal Revenue Code and section 270–c of the Tax Law of the State of New York.

The effectuation of the plan is dependent upon the satisfaction of the following conditions:

1. The Commission shall have found that the New York claims are not enforceable against Federal and shall have approved this plan of distribution as fair and equitable to the parties affected by the plan;

2. The Commission shall have instituted a proceeding in a court of competent jurisdiction pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and such court shall have entered a decree or order in the usual form enforcing the plan and directing the consummation of the transactions set forth in the plan;

3. In the event that proceedings to review such order of Court are taken, such order shall be finally affirmed on judicial review, or if no review proceedings are taken, the time for bringing such review proceedings shall have expired.

II. On May 27, 1948, New York, in connection with Federal's plan of liquidation then pending before the Commission, filed a petition with the Commission requesting that distribution of Federal's assets be deferred until New York had been given an opportunity to present evidence in support of certain claims in favor of New York against Federal based on asserted improper intercompany profits and charges made over a period of years beginning in 1926. Subsequently, Federal's plan was amended to provide for the payment of $313,190 to Chenery et al., and to leave Federal with assets deemed sufficient for the payment of the maximum claims of New York and Chenery et al., referred to previously, in the event of the successful prosecution of these claims. As amended, said plan was approved by the Commission on July 27, 1948, and (except for the proposed payments to Chenery et al., as to which jurisdiction was reserved) was enforced by the United States District Court for the District of Delaware by order dated August 19, 1948.

On August 25, 1948, Percival E. Jackson, John Vanneck, Vanneck & Company, and M. & C. Holding Corporation ("Jackson et al.") common stockholders of Federal, filed an answer to the petition of New York stating (1) that the claims of New York have never been reduced to judgment, (2) that the Commission has no jurisdiction to adjudicate the claims on their merits but should leave New York to its remedy, if any, in an appropriate Federal or State court, (3) that any such claims are barred by statutes of limitation and principles of laches since the Commission has heretofore denied Federal the right to participate in the reorganization of New York by according no recognition to the common stock of New York held by Federal, (4) that the alleged acts of which New York complains relate to times during which Federal was under the domination and control of C. T. Chenery, his personal holding company, Chenery Corporation, members of his family, and those associated with him, and (5) that in the event the Commission entertains jurisdiction and determines that the petition of New York constitutes a valid claim against Federal in favor of New York, Federal should have judgment over in like amount against the Chenery interests.

On September 10, 1948, a committee formed to represent common stockholders of Federal filed an answer to New York's petition requesting the Commission, for reasons set forth in said answer, to apply the principles of res adjudicata, estoppel, statutes of limitation, and laches and filed a motion to dismiss and deny said petition and claims of New York.

On September 13, 1948, Federal filed an answer and cross-petition to the petition of New York alleging, among other things, that the claims of New York are barred by the principles of res adjudicata, estoppel, laches, and statutes of limitation. Federal further states that it is entitled to a summary order determining that New York has no causes of action against Federal, that New York is not entitled to participate in the distribution of the assets of Federal, and that further distribution of Federal's assets to its stockholders should be approved pursuant to section 11 (e) of the act. The plan of Federal, filed October 11, 1948, is designed to effect such a distribution and to secure a ruling that the New York claims are not enforceable.

On September 15, 1948, New York requested the Commission to (1) extend the time until November 30, 1948, in which to reply to the motion of Federal's Common Stockholders Committee, or, in the alternative, (2) deny the Committee's motion to dismiss without prejudice to a renewal thereof pending the filing by New York of its claim.

III. The Commission having considered the said plan of Federal filed on October 11, 1948, the petition asserting certain claims against Federal filed by New York, and the various answers, cross-petitions, and motions filed by Federal, Jackson et al., the Common Stockholders Committee of Federal, and New York, and it appearing that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in this consolidated proceeding for the purposes hereinafter set forth: *It is ordered*, That:

1. A hearing shall be held, for the limited purposes hereinafter provided, on the 1st day of December 1948, at 10:00 a. m. e. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held;

2. The evidence to be adduced at such hearing shall be limited to matters bearing upon:

(a) The defenses raised in the answer of Jackson et al., the answer and motion of the Common Stockholders Committee of Federal, and the answer and cross-petition of Federal to the petition of New York filed May 27, 1948;

(b) Whether, in the event the Commission determines that New York is barred from asserting claims against Federal by application of any of the defenses raised, or otherwise, the Commission shall concurrently enter an order approving the plan of Federal filed on October 11, 1948, as being necessary to effectuate compliance with section 11 (b) and fair and equitable to the persons affected.

3. In the event the Commission determines that New York is not barred from asserting claims against Federal, the Commission will, by subsequent action, order the hearing to be reconvened for the purpose of receiving evidence with respect to the merits of any such claims.

Any persons desiring to be heard or otherwise wishing to participate in these proceedings and who have not previously been granted leave therefor should notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before November 24, 1948;

It is further ordered, That Allen MacCullen or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice;

It is further ordered, That the Secretary of the Commission shall serve notice of the matters contained herein by mailing forthwith a copy of this notice and order by registered mail to Federal, Jackson et al., the Common Stockholders Committee of Federal, and New York, or to their respective counsel of record herein, that Federal shall give notice of said hearing by mailing a copy of this notice and order to each of its common stockholders of record, at his last known address, at least fifteen days prior to the date of said hearing, that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9554; Filed, Oct. 29, 1948; 8:47 a. m.]

[File Nos. 54–127, 59–3, 59–12]

ELECTRIC BOND & SHARE CO. ET AL.

INTERIM ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of October A. D. 1948

In the matter of Electric Bond and Share Company, File No. 54–127; Elec-

tric Bond and Share Company and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

Electric Bond and Share Company ("Bond and Share") a registered holding company, having filed an application-declaration proposing to sell to underwriters 350,000 shares of its holdings of the common stock of Carolina Power & Light Company ("Carolina") plus not in excess of 17,500 additional shares of such stock which Bond and Share may purchase in order to stabilize the market; and

Bond and Share in connection with its proposed stabilizing operations, having requested permission to acquire not more than 17,500 shares of the common stock of Carolina by purchases on the New York Stock Exchange at any time from the date of the Commission's order authorizing such purchases until the time of the execution of a purchase contract between Bond and Share and the underwriters, but in no event for a period in excess of fourteen days; such purchases to commence at a price (exclusive of commissions) not higher than the last preceding price of Carolina's common stock on such exchange; and

Bond and Share having requested that the Commission enter an interim order at this time relating solely to the proposed acquisition of not in excess of 17,500 shares of the common stock of Carolina as heretofore described for the purpose of stabilizing the market; and

A public hearing having been held after appropriate notice on said application-declaration and the Commission having considered the record:

It is ordered, That pursuant to the applicable provisions of the act, the aforesaid application, solely in regard to the acquisition by Bond and Share of not in excess of 17,500 shares of the common stock of Carolina for the purpose of stabilizing the market, be, and the same hereby is granted, effective as of the opening of the New York Stock Exchange on Saturday, October 23, 1948, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9555; Filed, Oct. 29, 1948; 8:48 a. m.]

[File No. 70-1964]

PENNSYLVANIA GAS & ELECTRIC CORP. AND NORTH SHORE GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 25th day of October 1948.

Pennsylvania Gas & Electric Corporation ("Penn Corp") a registered holding company, and North Shore Gas Company ("North Shore"), a wholly owned subsidiary of Penn Corp, having filed a joint application-declaration pursuant to sections 9, 10, 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-42, U-44 and U-46 thereunder regarding (a) the proposed sale by North Shore to Haverhill Gas Light Company ("Haverhill") a non-affiliated public utility company, of all of North Shore's properties and business, exclusive of cash, insurance contracts and claims for refund of taxes, for a base price of $145,000 subject to closing adjustments (b) the proposed use of $87,500 of the proceeds of the sale to retire all of North Shore's outstanding long-term debt consisting of a like principal amount of notes held by Penn Corp, (c) the proposed distribution by North Shore, after provision for other debts, of the balance of such proceeds and all additional cash in the company's treasury to Penn Corp as a liquidating dividend and (d) the proposed retirement of all of North Shore's capital stock, and thereafter, the dissolution of North Shore; and

It appearing from the filing that the expenses and legal fees in connection with the proposed transactions are estimated not to exceed $2,500; and

The said application-declaration having been filed on September 29, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Penn Corp and North Shore having requested that the effective date of the application-declaration be accelerated; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the further condition that North Shore, prior to the consummation of the proposed transactions, obtain from the Massachusetts Department of Public Utilities an order authorizing those aspects of the proposed transactions which are within its jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9553; Filed, Oct. 29, 1948; 8:47 a. m.]

[File No. 70-1975]

PACIFIC POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of October A. D. 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, by Pacific Power & Light Company ("Pacific") an electric utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. The declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any person may not later than November 4, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of law or fact raised by said declaration which he desires to controvert or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 4, 1948 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Pacific proposes to borrow $3,500,000 from Mellon National Bank & Trust Company of Pittsburgh, Pennsylvania, and to use the proceeds to finance, in part, its present program for the construction of new facilities and for the expansion and improvement of its present facilities. It is stated in the declaration that the loans which mature on August 15, 1949 will be repaid from cash to be derived from permanent financing at a later date.

Under the proposed loan agreement Pacific would borrow $1,000,000 on November 15, 1948, $1,500,000 on January 15, 1949, and $1,000,000 on April 15, 1949. The loans would be evidenced by Pacific's unsecured promissory notes bearing interest at the rate of 2⅜% per annum. The loan agreement provides for the prepayment in amounts of $500,000 or a multiple thereof without premium or penalty. The loan agreement also provides for the payment of a commitment fee computed at the rate of ⅜ of 1% per annum on the unused amount of the commitment from the date when the loan agreement is permitted to become effective until the loans are made. The loan agreement further provides that the

company may at any time surrender its right to borrow all or any part of the amounts to be loaned, the amount represented by such surrender to be $500,000 or any multiple thereof.

Pacific has requested that an order permitting the declaration to become effective issue as promptly as may be possible and that any such order become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9552; Filed, Oct. 29, 1948; 8:47 a. m.]

[File No. 71-1]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING OF PROPOSALS FOR DISPOSITION OF ADJUSTMENTS RELATING TO GAS PLANT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of October 1948.

Notice is hereby given that Delaware Power & Light Company ("Delaware") a registered holding company and a public-utility company, has filed studies, and amendments thereto, relative to the original cost and reclassification of its gas plant accounts as at December 31, 1943, including proposals for the disposition of adjustments relating to gas plant, pursuant to Rule U-27 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935.

Notice is further given that any person may, not later than November 15, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said proposals intended to be controverted, or may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 15, 1948, the Commission may take such action as may be deemed appropriate with respect to the matters herein concerned.

All interested persons are referred to said studies which are on file in the offices of the Commission for a statement of the adjustments therein proposed, which are summarized as follows:

In accordance with Plant Instruction 2-D of the Uniform System of Accounts recommended by the National Association of Railroad and Utilities Commissioners for gas companies (which system of accounts has been made applicable by Rule U-27) Delaware filed with this Commission its original cost and reclassification studies of its gas plant. Thereafter, the staff of the Commission filed its report in connection therewith, copies of which report were submitted to the company. Delaware has amended its studies so as to give effect to the recommendations contained in the Staff's report and now proposes to classify the amount of $64,402 in Account 107, Gas Plant Adjustments, and $1,520,243 in Account 100.5, Gas Plant Acquisition Adjustments.

Delaware proposes to dispose of the amount of $64,402 in Account 107, representing improper items remaining in plant account, by an immediate charge to Account 271, Earned Surplus.

Delaware further proposes that a reserve be created in Account 252, Reserve for Amortization of Gas Plant Acquisition Adjustments. The amount in such a reserve will ultimately equal the $1,520,243 in Account 100.5 and is proposed to be accumulated in the following manner:

(1) By an immediate credit of $440,243 to Account 252, Reserve for Amortization of Gas Plant Acquisition Adjustments, and a contra charge to Account 250, Reserve for Depreciation of Utility Plant, said amount representing the company's determination of previous accruals applicable to Gas Plant Acquisition Adjustments.

(2) By monthly charges of $6,000 or $72,000 annually, to Account 537, Miscellaneous Amortization, over a period of 15 years beginning on either January 1 or July 1, whichever date is nearer to the issuance of the Commission's order; *Provided, however,* The company may accelerate the amount of the amortization either by increased annual charges to Account 537 or by charges to Account 271, earned surplus.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9551; Filed, Oct. 29, 1948; 8:47 a. m.]

[File No. 812-568]

BANKERS SECURITIES CORP. AND ALBERT M. GREENFIELD & CO.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of October A. D. 1948

Notice is hereby given that Bankers Securities Corporation ("Bankers"), a registered investment company, 121 North Broad Corporation ("City Centre") a real estate operating company, and Albert M. Greenfield & Co. ("Greenfield Company") a real estate brokerage company, all of which are located at No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, have jointly filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (e) (1) of the act, the receipt by Greenfield Company of a real estate sales commission in connection with the sale by City Centre of certain real estate located at Nos. 117-121 North Broad Street, Philadelphia, Pennsylvania.

Bankers is a closed-end, non-diversified, management investment company and is registered under the Investment Company Act of 1940. Bankers owns 1,315 shares of the 1,700 shares of the common stock of City Centre now issued and outstanding, constituting 77.3% of the issue, so that City Centre is a controlled person of Bankers within the meaning of section 2 (a) (9) of the act.

Greenfield Company and its wholly-owned subsidiary, Albert M. Greenfield & Co. Inc. located at No. 521 Fifth Avenue, New York, New York are duly licensed real estate brokers under the laws of the State in which they operate and are engaged in the real estate management and brokerage business. Greenfield Company is an affiliated person of Albert M. Greenfield, who in turn, is an affiliated person of Bankers.

On September 22, 1948, Greenfield Company and Albert M. Greenfield & Co., Inc. with the cooperation of Peter Miller, a non-affiliated real estate broker, negotiated an agreement for the sale by City Centre of the real estate referred to above for the sum of $1,150,000 payable $345,000 in cash and the balance to be secured by a Purchase Money Bond and Mortgage. For its services in negotiating the sale of the said real estate, City Centre has agreed to pay Greenfield Company a real estate commission of $57,500 being five per cent of the sale price. Of such commission, Greenfield Company has agreed to pay Peter Miller the sum of $13,000. The purchaser and Greenfield Company have entered into a management contract whereby Greenfield Company has agreed to operate, supervise and manage the real estate purchased for a period of three years and the purchaser has agreed to pay Greenfield Company a management fee of five per cent of the rentals collected each month.

The receipt by an affiliated person (Greenfield Company) of an affiliated person (Albert M. Greenfield) of a registered investment company (Bankers) of compensation for the sale of such property for a controlled company (City Centre) of such investment company (Bankers) is prohibited by section 17 (e) (1) of the act unless an exemption therefrom is granted by the Commission pursuant to section 6 (c) of the act.

All interested persons are referred to the said application which is on file at the Washington, D. C. office of this Commission for a more detailed statement of the matters of fact and law therein stated.

Notice is further given that an order granting the application may be issued by the Commission at any time after November 12, 1948 unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than November 10, 1948 at 5:30 p. m. eastern standard time, submit in writing to the Commission, his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should

state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-9550; Filed, Oct. 29, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12201]

EMMA NIEVERGELT

In re: Estate of Emma Nievergelt, deceased. File No. D-28-9773; E. T. sec. 13730.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arnolf Wintterle, Eugen Wintterle, Gertrude Wintterle Bruehl, Adolph Gutscher and Paul Gutscher, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the descendants, names unknown, of Eugen Wintterle (brother of Emma Nievergelt, deceased) and the descendants, names unknown, of Pauline Gutscher, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Emma Nievergelt, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Max Rickert, as executor of the Estate of Emma Nievergelt, deceased, acting under the judicial supervision of the Passaic County Orphans' Court, Paterson, New Jersey,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, the descendants, names unknown, of Eugen Wintterle (brother of Emma Nievergelt, deceased), and the descendants, names unknown, of Pauline Gutscher, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-9577; Filed, Oct. 29, 1948; 8:53 a. m.]

[Vesting Order 12216]

EMILIA WINTERS ET AL.

In re: Emilia Winters and John Winters vs. James Quinn, et als. File No. D-28-12421; E. T. sec. 16637.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Prause, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the proceeds of the sale of real estate deposited with the Clerk of the Court of Chancery, New Jersey, pursuant to a foreclosure proceedings entitled "In Chancery of New Jersey, 144/458, Emilia Winters and John Winters, her husband, vs. James Quinn, et als." is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by the Clerk of the Court of Chancery of New Jersey, as Depositary, acting under the judicial supervision of the Court of Chancery of New Jersey,

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9578; Filed, Oct. 29, 1948; 8:53 a. m.]

[Vesting Order 12232]

NOBUO OBATA

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased. F-39-1217-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased by L. L. Gravely and J. O. W Gravely, Jr., Trustees of the China American Tobacco Company, Rocky Mount, North Carolina, in the amount of $4203.23, as of December 31, 1945, representing the balance due on purchase price of shares of stock of China American Tobacco Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-9579; Filed, Oct. 29, 1948; 8:53 a. m.]

[Vesting Order 12134]

JUSTINA NIENKEMPER

In re: Estate of Justina Nienkemper, deceased. File No. D-28-12378; E. T. sec. 16610.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Joohs (Yoos) (Yooss) (Yoose) Jacob Joohs (Yoos) (Yooss) (Yoose) Hans Joohs (Yoos) (Yooss) (Yoose) Daniel Joohs (Yoos) (Yooss) (Yoose), Magdalena Braun, Marie Ruger, and Fritz Joohs (Yoos) (Yooss) (Yoose) whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Justina Nienkemper, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by J. Alfred Bickes, as executor, acting under the judicial supervision of the Probate Court of Sangamon County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-9580; Filed, Oct. 29, 1948; 8:53 a. m.]

MRS. E. LOCKER AND KARL LOCHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Mrs. E. Locker and Karl Locker, Oberburg, Switzerland, 33947; $2475.42 in the Treasury of the United States.

Executed at Washington, D. C., on October 26, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9581; Filed, Oct. 29, 1948; 8:53 a. m.]

SOCIETE DES AUTEURS, COMPOSITEURS ET EDITEURS DE MUSIQUE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Societe des Auteurs, Compositeurs et Editeurs de Musique, 10 Rue Chaptal, Paris 9e France, 12100; $479,247.88 in the Treasury of the United States.

Executed at Washington, D. C., on October 26, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-9582; Filed, Oct. 29, 1948; 8:53 a. m.]

[Vesting Order 12223]

M. ELKED

In re: Bank accounts, bonds, stock, fractional scrip certificate and certificate of deposit owned by M. Elked, also known as Mitsu Fukutani Elked, Marie Margarete Elked and as Fukutani Mitsu. F-39-43-A-1/2; F-39-43-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. Elked, also known as Mitsu Fukutani Elked, Marie Margarete Elked and as Fukutani Mitsu, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a Sundries Deposits Decedents Account, entitled Mr. A. Elked, Deceased, maintained at the aforementioned bank, and any and all rights to demand, enforce and collect the same,

b. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

c. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with all declared and unpaid dividends thereon,

d. Thirty (30) shares of $100.00 par value 7% preferred capital stock of Willys-Overland Co., Wolcott Boulevard, Toledo, Ohio, a corporation organized under the laws of the State of Delaware evidenced by certificates numbered PO18214 for twenty (20) shares and PO18215 for ten (10) shares, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with all declared and unpaid dividends thereon, and any and all rights under a plan of reorganization of 1936 of the aforesaid company,

e. One (1) Kingdom of Yugoslavia Funding 2nd Series 5% Fractional Scrip Certificate of $2.00 face value, in bearer form, bearing the number H1979 and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

f. One (1) certificate for profit sharing or income shares of Belgian National Railways Company, said certificate bearing the number 000621, in bearer form, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

g. One (1) Certificate of Deposit for Chicago Rapid Transit Co., 1st & Refunding Mortgage, Series A, said certificate of $5,000.00 face value, bearing the number NA343, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered

78–CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

h. Three (3) coupons of the aggregate face value of $87.50, detached from Austrian Government 7% bonds numbered 18426, 18427 and 1628, said coupons presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78–CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

i. That certain debt or other obligation owing to M. Elked, also known as Mitsu Fukutani Elked, Marie Margarete Elked and as Fukutani Mitsu, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a Clean Credit Deposit Account, account number 293EE, entitled Mrs. M. Elked, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

j. Four (4) Yokohama City Loan Ext. 6% Bonds, bearing the numbers 7469, 7470, 11061 and 11062, of $1,000.00 face value each, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 11 CS.AD entitled Mrs. Mitsu Elked, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, M. Elked, also known as Mitsu Fukutani Elked, Marie Margarete Elked and as Fukutani Mitsu, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Certificate No.	Face value
Commonwealth of Australia of 1925—30 year Extended 5%-	6657, 6296S, 53628/30	$1,000.00 each.
4½% Loan of the German Reich of 1938, Second Series	000490/94	RM 10 each.
	NR020159/64	RM 1000 each.
	NR010954	RM 100.
United States of Brazil Funding 5%	9065/68	$100.00 each.
	G2658	$50.00.
	G10009	$20.00.
United States of Brazil Central Ry. Electrification Loan 30 year 7%.	152	$500.00.
	2208S	$1,000.00.
	21244	$1,000.00.
United States of Brazil Extended S/F of 1926 6½%	3687/88	$1,000.00 each.
United States of Brazil S/F 6½%	3203, 1993/4	$1,000.00 each.
Republic of Chile Extended S/F 6%	7640	$1,000.00.
	499	$500.00.
Republic of Chile S/F Extended 6%	1825, 6418	$1,000.00 each.
	D 1571	$500.00.
Republic of Colombia Extended S/F Dollar 3%	16582/83	$1,000.00 each.
	3656 (Conv. Cert.)	$270.00.
Republic of Costa Rica Pacific Ry. Series C 7½%	C245/49	$1,000.00 each.
Republic of Costa Rica Pacific Ry. Funding of 1933 5%	759/63	$300.00 each.
City of Helsingfors Finland Extended S/F 30 year 6½%	4099, 4113/14, 6113/14	$1,000.00 each.
Imperial Japanese Government 30 year Extended Loan S/F 6½%.	11341, 26885, 41287, 42284/86, 72297, 73974, 74347, 84656/57, 103844, 117931, 51164, 52295, 52580.	$1,000.00 each.
	51, 2852, 5779, 6810, 8255, 8294, 9512, 11023.	$500.00 each.
Imperial Japanese Government Extended Loan 1930 35 year S/F 5½%.	8736, 12292, 12294, 32970	$1,000.00 each.
State of Minas Geraes Sec. Extended Loan 1929 Ser. A 6½%.	4334	$1,000.00.
	624/25	$500.00 each.
Mortgage Bank of Chile S/F Guaranteed of 1928 6%	9339/41	$1,000.00 each.
Republic of Peru Secured of 1927 7%	9815	$1,000.00.
	D 261	$500.00.
Republic of Peru Extended S/F First Serial Peruvian National Loan 6%.	37795/97	$1,000.00 each.
Kingdom of Serbs Croats & Slovenes, 40 year Sec. Extended 8%.	8913/14	$1,000.00 each.
City of Vienna S/F 6%	19689/90	$1,000.00 each.
	2043	$500.00.
Republic of Uruguay Readjustment 3 ¾% Fr	10739/40	$1,000.00 each.
Kingdom of Yugoslavia Funding Second Series 5%	1562, 5364	$100.00 each.
Kingdom of Yugoslavia 5%	1779, 3466, 9706, 13515	$100.00 each.

EXHIBIT B

Name and address of issuing corporation	State of incorporation	Certificate Nos.	Number of shares	Par value	Type of stock
General Mills, Inc., 200 Chamber of Commerce Bldg., Minneapolis 15, Minn.	Delaware	NY/011289 TNYC068978	80 60	No par	Common.
The National City Bank of New York, 55 Wall St., New York 15, N. Y.		C09181 C09182	20 25	$12.50	Do.
West Indies Sugar Corp., 60 East 42d St., New York 17, N. Y.	Delaware	CC2168 CL2151	100 20	1.00	Do.
Belgian National Railways Co., Rue de Louvain 21, Brussels, Belgium.		7738 7739	96 83		4%–6% participating preferred, American shares.

[F. R. Doc. 48–9540; Filed, Oct. 28, 1948; 8:54 a. m.]